

State of Vermont
SPECIAL ACTS,

PASSED AND PUBLISHED AT THE SECOND SESSION



OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA

HELD AT CORYDON ON THE FIRST MONDAY IN DECEMBER, IN THE

YEAR ONE THOUSAND EIGHT HUNDRED AND ~~EIGHTEEN~~

Seventeen

[BY AUTHORITY.]

CORYDON;

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1818.



L A W S

OF THE

STATE OF INDIANA

CHAPTER I.

*AN ACT for fixing the seats of Justice in
all new counties hereafter to be laid off.*

APPROVED—January 2, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That whenever any new county shall be laid off in this state, five commissioners shall be appointed by the General Assembly, at the time such new county shall be laid off, who, at the time of discharging the duties herein after enjoined on them, do not reside in such new county, nor hold any real estate therein; and it shall be the duty of the said commissioners, or any three or more of them, to convene at such time and place in the said new county as the General Assembly shall appoint, and being first sworn to discharge the duties assigned them by this act, they shall proceed to fix on the most eligible and convenient place for the permanent seat of justice for such new county, taking into view the extent of the county, the quality of the land and the prospect of future as well as the weight of present population, together with the probability of future divisions; and it shall be the further duty of the said commissioners, to receive donations in land from any person or persons owning lands in the said county, and offering donations in land for the use of the same, and to fix on such place for the seat of justice in such new county, as near as may be to the centre of that*

Commission-
ers appointed

tract or district which is likely to remain permanent after future divisions, as may best subserve to the interest of such county. And the said commissioners shall enquire and ascertain whether any land on which they may incline to fix the seat of justice can be obtained by donation or by purchase at a reasonable price, sufficient in quantity, and suitable in quality and situation for the establishment of a town; and if such quantity of suitable land cannot be obtained by donation or by purchase at a reasonable price, then they shall fix on the next most eligible place, where such land can be procured as aforesaid, and the said commissioners shall take a bond or bonds of any person or persons proposing to give or sell any such land, payable to the board of county commissioners and their successors in office of such county, and conditioned for the conveyance of such tract or tracts of land, so given or sold to such person as the county commissioners shall appoint as an agent to receive the same; which bond or bonds the said commissioners shall deliver to the county commissioners, together with a plain and correct report of their proceedings, containing a particular description of the land on which they shall have fixed as the seat of justice for the said county, and the lands so described shall be considered the permanent seat of justice for such county.

SEC. 2. That it shall be the duty of the board of county commissioners aforesaid, forthwith after receiving the report of the commissioners as herein above provided, to appoint some suitable person, a resident of such county, as an agent, whose duty it shall be, after having given security to be approved of by the said board of county commissioners for the faithful discharge of the duties of his said office, to receive a conveyance or conveyances for any land which may have been given or sold for the use of the county as above provi-

To take bond

Report of proceedings.

Agent, by whom appointed.

ded, and to proceed to lay off the same into town lots, streets and alleys, according to such plan as the board of county commissioners may direct, and to proceed from time to time to sell the said lots, or so many of them as the said board of commissioners may deem proper and necessary, and on such terms as the said board of county commissioners may consider most advantageous to the interest of the county, and to collect all money arising from the sale of said lots, and pay the same into the county treasury, and also to make conveyances to the purchasers of such lots, when and as often as necessary; and the money arising from the sale of such lots as aforesaid, shall be a fund in the treasury of such county, out of which the commissioners appointed by virtue of this act, shall be first compensated for their services, and then the price of any land which may have been purchased for the use of the county shall be paid, and the balance shall be applied, so far as necessary, in defraying the expences of erecting the necessary public buildings for the use of the county, and if any monies still remain after the expences of such buildings be discharged, such balance may be applied as any other monies in the treasury.

SEC. 3. Any person or persons of whom any lands may be purchased for the use of such county, as above provided, shall, at the time of giving bond or bonds for the conveyance of the same, receive of the commissioners aforesaid a certificate or certificates of the quantity and price of the same, which certificate or certificates will entitle him, her or them to receive the amount of the price of the said land out of the first monies remaining in the treasury of such county, after compensating the aforesaid commissioners according to the provisions of this act, any other existing claim against the county notwithstanding.

SEC. 4. The commissioners aforesaid shall

His duty.

To what use monies are appropriated

What claims have priority in payment.

Allowance to com'rs.

be entitled to receive each three dollars for every day they may be necessarily employed in performing the duties enjoined on them by this act, and in travelling to and from the place of meeting, and the agent to be appointed pursuant to this act, shall be entitled to receive for his services such compensation as the board of county commissioners may think just and reasonable.

Proceedings in case commissioners fail to attend.

Sec. 5. It shall be the duty of the commissioners, in case of the non-attendance of a sufficient number to transact the said business as provided by this act, to adjourn to any other day, and give the absent commissioners notice of the day to which they have so adjourned; and the board of county commissioners, in case of death, removal or resignation of the agent appointed as aforesaid, to appoint from time to time a successor or successors, when and as often as may be necessary, who shall give bond as herein above provided; and it shall be the further duty of the said board of county commissioners, when and as often as it may be necessary to carry this law into complete effect, to hold special sessions of the said board of county commissioners; and the said county commissioners and agent, and their and each of their successors, are hereby vested with all further powers necessary to carry this law into full and complete operation, according to the true intent and meaning thereof.

Sec. Com'rs. may hold a special session.

Sec. 6. *Be it further enacted*, that if, in the opinion of the commissioners appointed as aforesaid, no situation can be found whereon to lay off a town for a county seat, that would be equally convenient to the citizens of the county, as to establish such county seat at some town already laid off, then said commissioners are hereby authorised to receive donations in lots, money, and adjoining lands, and to establish the county seat at such town as they shall think will be most for the interest of such county; *provided however*, that ten per

When donations may be made town lots, money &c.

centum of such donations be reserved for the use of a county library.

CHAPTER II

AN ACT supplemental to an act entitled, "an act for fixing the seats of justice in all new counties hereafter to be laid off."

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, that it shall be the duty of every person appointed as an agent under the provisions of the second section of the act to which this is a supplement, for the purposes of laying off and selling the lots at the seat of justice of the county for which he shall have been appointed who shall remove out of the county aforesaid, resign said agency, or vacate the same in any other way whatever, forthwith to deliver to his successor in said office, and in case no such successor shall have been appointed agreeably to law, to the board of county commissioners or treasurer of the proper county, all deeds, notes, books or other papers appertaining to said agency, under pain of forfeiting the conditions of the bond which he may have given for the faithful performance of the duties of said office, taking a receipt from his said successor, board of county commissioners, or county treasurer, as the case may be, specifying particularly the deeds, bonds, notes, books or other papers, and amount of money, thing or things, owing him in his official capacity for the use of the county on said bonds, notes, books or other papers, as aforesaid; and it shall be the duty of every county treasurer, who shall receive any such deeds, bonds, notes, books or other papers, to lay the same before the next board of commissioners to be

To whom agent shall deliver over papers on returning from office.

holden in said county, who shall and they are hereby authorised to allow the said treasurer a reasonable compensation for so doing, out of any monies in the treasury of said county not otherwise appropriated.

Duties of the successor to the office.

Sec. 2. Every person appointed as an agent as aforesaid, to succeed any agent removing, resigning, or in any way vacating said agency as aforesaid, is hereby required to receive and receipt for all deeds, bonds, notes, books or other papers, in manner aforesaid, and do and perform all and singular the duties, obligations and other things relative to such deeds, bonds, notes, books or other papers, so put into his hands, which could have been required of said predecessor had he continued in said office, agreeably to the true intent and meaning of the act to which this is a supplement.

Executors & administrators to pay over.

Sec. 3. If any agent appointed under the provisions of the act to which this is a supplement shall die before he shall have completed all the duties enjoined on him by law, and having in his possession at the time of his death any deeds, bonds, notes, books or other papers, as aforesaid, it shall be the duty of the executor or executors, administrator or administrators, as the case may be, of every such decedent, to deliver to the person legally appointed to succeed the said testator or intestate (as the case may be) in said agency, or to the county treasurer or board of commissioners of the proper county, all deeds, bonds, notes, books or other papers as aforesaid, in the same manner and under the same rules, regulations and restrictions as are pointed out in the first section of this act; any law, usage or custom to the contrary notwithstanding.

Who shall be considered as disqualified for the office of agent.

Sec. 4. No county commissioner, county treasurer or clerk of the circuit court shall hereafter exercise the duties of agent as aforesaid. Every person holding the office of agent as aforesaid, who shall accept of either

of the above enumerated offices, shall be considered as vacating said agency, which shall be filled accordingly; any thing in this act or the act to which this is a supplement, to the contrary notwithstanding.

This act to take effect and be in force from and after its publication.

CHAPTER III.

AN ACT to provide for carrying the laws into effect in new counties.

APPROVED—January 2, 1848.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana.* That whenever any act passed at the present or any succeeding session of the General Assembly of this state, erecting any new county shall take effect, it shall be the duty of the Governor, or person exercising the power of Governor, to issue a writ of election, directed to some person in such new county, whom he shall appoint to act as sheriff until the next general election, and until a sheriff is chosen and qualified, requiring him to cause an election to be held at such place or places in said county as he may direct, on such day as may be designated in the writ of election, for the purpose of electing two associate judges of the circuit court, one clerk of the circuit court, one recorder and three commissioners of the county.

The Governor shall appoint a sheriff, whose duty it shall be to hold an election for certain county officers.

Sec. 2. The person to whom such writ of election is directed, shall have full power, and is hereby required to appoint the necessary officers of such election, which officers so appointed, shall act under the same rules, and be subject to the same penalties as are or may be provided by law for regulating general elections, or the election of such officers in old counties, and shall make return to the person

The sheriff shall appoint officers of election.

When said officers shall make return thereof.

How, when and where notice of an election is to be given.

Certificates of election, to whom given.

Sheriff authorised to administer oaths.

Officers to continue in the performance of their duties.

Civil and fiscal proceedings in no way affected by the erection of a new county.

acting as sheriff the Wednesday following, at such place in the county as he may have directed.

SEC. 3. The person to whom the writ of election is directed in a new county, shall give at least ten days notice of the time and place or places where such election is to be held, and also of the place where the return is to be made to him, by setting up written notices thereof in three of the most public places in each election district he may establish in such county; and on the return of the election being made to him, and the votes being compared according to law, he shall give to each of the commissioners a certificate of his election, and the time he is elected to serve, having due regard to the law, and shall also, within ten days thereafter, forward to the office of the secretary of state, a certificate of the persons elected as associate judges, and clerk of the circuit court, and recorder of the county; which persons shall be commissioned and qualified into office in all respects as is provided by the laws and constitution of this state: *Provided however,* The person acting as sheriff shall be fully authorised to administer such oaths as are required by the constitution and laws of this state, certified copies of which he shall file in the office of the clerk of the circuit court, whenever it shall be established.

SEC. 4. All officers falling within the bounds of a new county, shall continue to exercise the duties of their several offices until they are succeeded by others legally qualified to take their places.

SEC. 5. No suit or action of any nature whatsoever, commenced in any court of record, or before any justice of the peace, shall in any wise be affected by the laying off of any county; and all taxes that may be due the state or any county in the state, at the time of organizing any new county, shall be collected

ted in the same manner as if such county had not been organized.

SEC. 6. In all cases where an oath is required by the laws of this state, an affirmation, if the person chooses to affirm, shall be considered as fulfilling such requisition.

SEC. 7. This act to take effect and be in force from and after its passage.

Oath or affirmation.

CHAPTER IV.

AN ACT authorising the appointment of a Pilot at the Falls of Ohio.

APPROVED—January 10, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* that the Governor is hereby authorised and directed to appoint such person or persons for pilots, as to him shall seem qualified for that purpose, taking bond and security of the person so appointed, payable to the Governor and his successors in office, in the sum of two thousand dollars for the due and faithful performance of his office; and the pilot so appointed, shall receive for each boat he pilots through the rapids, two dollars. Any other person acting as pilot without being duly authorised as by this law directed, shall for every such offence, forfeit and pay ten dollars, one half of which fine shall go to the use of such pilot and the other half thereof to the use of the county seminary in the county where such fine is assessed, to be recovered before any justice of the peace in this state, at the suit of the pilot, (whose duty it is hereby made to prosecute for the same,) and collected by the sheriff or constable of the proper county, in the same manner that other fines are directed to be collected; and the sheriff or constable shall pay the money so collected to the treasurer of the proper county, taking his receipt for the same,

Pilot to be appointed by the Governor, and to give bond.

Pilot's fees.

Penalty on others than pilots for piloting.

Owners ex-
cepted.

and the sheriff or constable shall have the same fees for their services as they are entitled to by law for collecting fines and forfeitures in other cases. But nothing herein contained, is meant to compel any owner or shipper of a boat to employ said pilot or pilots, but they shall be at liberty to pilot their own boats through the said rapids: *Provided however,* That nothing herein contained, shall be so construed as in any manner to affect the pilot or pilots heretofore appointed, except that they shall and are hereby required to give bond as enjoined in the foregoing part of this act: *Provided also,* That there shall not, at any one time, be more than three pilots in commission.

This act to be in force from and after its publication.

CHAPTER V.

AN ACT for the formation of a new county out of the county of Orange.

APPROVED—January 7, 1818.

Boundary
lines.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That from and after the third Monday of March next, all that part of the county of Orange, contained in the following bounds, shall form and constitute a separate county, viz: Beginning at the range line dividing ranges two and three west, at the centre of town three north, and running thence east to the line dividing the counties of Washington, Orange and Jackson, thence north with said line to the line dividing townships six and seven north, thence west with said line dividing ranges two and three west, thence south with said range line to the place of beginning.

Sec. 2. The said new county shall be known

and designated by the name and style of the county of Lawrence, and shall enjoy all the rights, privileges and jurisdictions which to separate counties do or may properly belong and appertain: *Provided,* that all suits, pleas, complaints, actions and proceedings, in law or equity, which may have been commenced or instituted, before the third Monday of March next, and shall be pending in the county of Orange, shall be prosecuted and determined in the same manner as if this act had not passed: *Provided also,* that all taxes which may be due, on the said third Monday of March next, shall be collected and paid in the same manner and by the same officers, as if the said new county of Lawrence had not been formed.

Name.

Civil and fiscal proceedings unaffected by this act.

Sec. 3. Abraham Huff of Jackson county, Abraham Bosley of Orange county, Joel Holbert of Daviess county, William Hobbs of Washington county and George Boone of Harrison county, are hereby appointed commissioners, agreeable to the act entitled, "an act for the fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named shall convene at the house of James Gregory, in said county of Lawrence, on the third Monday of March next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Orange county to notify the said commissioners, either in person or by written notification of their appointments, on or before the first day of March next; and the said sheriff of Orange county shall receive from the said county of Lawrence so much as the county commissioners shall deem just and reasonable, who are hereby authorized to allow the same out of any monies in the county treasury, in the same manner other claims are paid.

Com'rs. appointed.

When and where they shall meet.

Sheriff shall give notice when they are to meet.

Sec. 4. The Circuit and other courts of the county of Lawrence shall be holden at the

Courts where
to be holden

house of James Gregory in said county, until suitable accommodations can be had at the seat of justice, and so soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts thereto, after which time all the courts for the county shall be holden at the county seat of Lawrence county, established as directed by this act.

Reservation
on the sale of
lots.

Sec. 5 The agent who shall be appointed to superintend the sales of lots at the county seat of the county of Lawrence, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a library for said county, which he shall pay over at such time or times as may be directed by law.

This act shall take effect and be in force from and after the third Monday in March next.

CHAPTER VI.

AN ACT for the formation of Monroe county out of the county of Orange.

APPROVED—January 14, 1818.

Boundary

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* That from and after the tenth day of April next, all that part of the county of Orange, enclosed in the following bounds, shall form and constitute a new county: (that is to say) Beginning on the line of Orange and Jackson counties, where the line dividing townships six and seven crosses the same, thence west with the last mentioned line to the line dividing ranges two and three west, of the second principal meridian, thence north with said range line to the Indian boundary, thence southeastwardly with

said boundary to the line of Orange and Jackson counties, thence south with the same to the beginning, to be designated and known by the name and style of the county of Monroe;— and the said county of Monroe shall enjoy all the rights, privileges and jurisdiction, which to a separate county does or may properly appertain and belong.

Name.

Sec. 2. John Penicks and Jonathan Jones of Orange County, Daniel Conner of Daviess County, David Fouts of Washington County and Samuel Burcham of Jackson county, be, and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice in Monroe County, agreeably to an act of Assembly entitled, "an act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named shall convene at the house of Abner Blair, of said new county, on the first Monday in April next, and then proceed to discharge the duties assigned them by law.

Com'rs. appointed.

When and
where they
shall meet.

Sec. 3. It shall be the duty of the sheriff of said new county, to notify the above named commissioners, either in person or by written notification, of their said appointments, and of the time and place at which they are required by this act to meet, at least six days previous to the day appointed for their meeting, and the said sheriff shall be allowed a reasonable compensation for his services, out of the first moneys in the treasury of the said county of Monroe, to be paid as other county claims usually are.

To be notified by sheriff of time and place of meeting

Sec. 4. The board of county commissioners of said new county shall, within twelve months after the permanent seat of justice shall have been established, proceed to erect the necessary public buildings thereon.

When public buildings

Sec. 5. Until suitable accommodations can be had (in the opinion of the Circuit Court) at the seat of justice for said county, all the courts which by law become necessary to be held at the county seat, shall be holden at the

Place where courts are to be holden.

house of Abner Blair aforesaid, or at any other place in the same neighborhood, to which the Circuit Court may, for the purpose of getting better accommodations think proper to adjourn, after which time the said courts shall be adjourned to the seat of justice established as aforesaid.

Sec. 6. The agent to be appointed for the county of Monroe, shall reserve in his hands ten per centum out of the nett proceeds of the sales of lots which may be made at the seat of justice of said county for the use of a county library; which sum or sums of money, so reserved, shall be paid by said agent or his successor in office over to such person or persons as may be authorised to receive the same, in such manner and in such instalments as may be directed by law.

This act to take effect from and after its publication in print.

CHAPTER VII.

AN ACT forming a new county out of the Eastern end of Pike county.

APPROVED—December 20, 1817.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* that from and after the first day of February next, all that parcel or tract of country, lying in the eastern part of the present county of Pike, shall be formed into a new county, to be called and known by the name of Dubois, (to wit:) Beginning at a point on the bank of the east fork of White river, at which the centre line of range six shall intersect said fork of White river; thence running south with said centre line, until said centre line intersects the present line dividing Warrick and Pike counties;

thence east with said line, to the line dividing Perry and Pike counties; thence with said line to the line dividing Orange and Pike counties; thence with said line until it shall strike Lick creek; and thence meandering down said creek until it empties itself into the east fork of White river; thence meandering down said river to the beginning.

Boundary.

SEC. 2. That General W. Johnson, of Knox county, Thomas Polke, of Perry county, Thomas Montgomery, of Gibson county, Richard Palmer, of Daviess county, and Ephraim Jourdan, of Knox county, be, and they are hereby appointed commissioners to meet at the house of William M'Daniel, near the Mud-Holes, on the second Monday of February, 1818, and proceed to select a site for the seat of Justice for said county, under the directions and provisions of an act, passed in the year of our Lord one thousand eight hundred and thirteen, entitled "An Act providing for the permanent fixing of the seats of justice in all new counties herein to be established."

Commissioners appointed.

SEC. 3. That all suits, plaints, actions and proceedings which may, before the said first day of February next, have been commenced, instituted and pending in the now county of Pike, shall be prosecuted to final judgment and effect in the same manner as if this act never had passed. And whenever the seat of justice within the county of Dubois shall have been established, the person or persons authorised to dispose of and sell the lots at the seat of justice, shall reserve ten per centum on the nett proceeds of the whole sale, for the use of a county library in said county; which sum or sums of money shall be paid over to such person as may be authorised to receive the same, in such manner and in such instalments as shall be authorised by law. And until suitable accommodations can be had, in the opinion of the circuit court, at the seat

Civil and fiscal proceedings not affected thereby.

10 per centum reserved

Reservation of 10 per centum.

Courts where
held.

of justice of said new county, all the courts of justice shall be holden at the house of William M'Daniel, near the Mud-Holes, in said county; after which time the circuit courts necessary to be held at the county seat, shall be adjourned to the same. And the county commissioners shall, within twelve months after the site of said seat of Justice shall have been selected, proceed to erect the necessary buildings thereon.

SEC. 4. This act to take effect from and after the first day of February next.

CHAPTER VIII.

AN ACT for the formation of a new county off the north end of Wayne.

APPROVED—January 10, 1818.

Boundary of
Randolph.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* that from and after the tenth day of August next, all that part of the county of Wayne, which is enclosed in the following bounds, shall form and constitute a new county, (that is to say) Beginning at the state of Ohio line, where the line that divides the fifteenth and sixteenth townships strikes said Ohio line; thence west with said township line until it strikes the old boundary; thence westward with the centre line of the 18th township in the new purchase until it strikes the Indian boundary; thence northward with said boundary line until it strikes the state of Ohio line; thence south with said line to the place of beginning.

SEC. 2. The said county shall, from and after the tenth day of August next, be known and designated by the name and style of the county of Randolph; and it shall enjoy all the rights, privileges and jurisdictions which to a separate county do or may properly belong.

SEC. 3. William Major of Dearborn county, Williamson Dunn of Jefferson county, Stephen C. Stevens, James Brownlee and John Brason of Franklin county, be, and they are hereby appointed commissioners to designate the place for the permanent seat of justice of Randolph county, agreeably to an act, entitled "An Act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, shall convene at the house of Ephraim Overman, on the first Monday in September next, and then proceed to discharge the duties assigned them by law; and it shall be the duty of the Sheriff of the county of Wayne, to notify the said commissioners, either in person or by written notification of their said appointment, at least ten days previous to the time appointed for the meeting of the said commissioners. And the said sheriff shall be allowed a reasonable compensation for his services, out of the first monies in the treasury of said county of Randolph, to be allowed and paid as other county claims are.

SEC. 4. The board of commissioners of said new county shall, within six months after the permanent seat of justice shall be established, proceed to erect the necessary buildings thereon.

SEC. 5. Until suitable accommodations can be had, in the opinion of the circuit court, at the seat of justice of said new county, all the courts of justice shall be holden at the house of William Way, or such place to which the court shall adjourn, in said county; after which time the circuit court and all courts necessary to be held at the county seat, shall be adjourned to the same.

SEC. 6. Whenever the seat of justice within the county of Randolph shall have been established, the person or persons authorised to dispose of and sell the lots at the seat of justice, shall reserve ten per centum

Commission-
ers when and
where to
meet.

Public build-
ings when to
be erected.

courts where
to be holden.

Reservation
of 10 per cent

on the nett proceeds of the whole sale, for the use of a county library in said county; which sum or sums of money shall be paid over to such person or persons as may be authorised to receive the same, in such manner and in such instalments as shall be authorised by law.

Sec. 7. All that part of Randolph county which was formerly the county of Wayne, shall continue to form a part of the Wayne district for the purpose of electing senators and representatives to the general assembly, until otherwise authorised by law.

This act to take effect and be in force from and after the tenth day of August next.

CHAPTER IX.

AN ACT for the formation of a new county out of the counties of Warrick and Perry.

APPROVED—January 10, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That from and after the first day of February next, all that tract or parcel of country which is enclosed in the following boundaries, shall constitute and form a new county, to be known and designated by the name and style of the county of Spencer, (to wit:) Beginning on the Ohio river where the section line passes through the centre of the seventh range strikes the same; thence north with the said section line until it strikes Little Pigeon creek; thence up said creek, with the meanders thereof, to the Polk Patch Fork; thence up the Polk Patch Fork, with the meanders thereof, to the township line passing between townships four and five; thence east with said township line to the range line dividing ranges five and six; thence north to the line of Pike county, thence east

Spencer.

Boundary
thereof.

with the line dividing the counties of Perry and Pike to the range line dividing ranges three and four, thence south with said range line until it first strikes Anderson's river, thence down said river with the meanders thereof to the Ohio river, thence down the same to the place of beginning.

Sec. 2. And said new county hereby formed and established, shall enjoy and exercise all the rights, privileges and jurisdiction, which to a separate county do or may properly appertain or belong.

Sec. 3. Until suitable accommodations can be had (in the opinion of the Circuit Court) at the county seat of said new county, all the courts which become necessary to be holden at the seat of justice shall be held at the house of Azel W. Dawsey of said new county, and after that time the courts aforesaid shall be adjourned to the seat of justice, established under the provisions of this act.

Courts where
to be holden.

Sec. 4. That John Johnson of Pike county, Isaac Montgomery of Gibson county, Davis Floyd of Harrison county, Joseph Paddox of Harrison county, and Robert McIntire of Washington county, be, and they are hereby appointed commissioners to fix the seat of justice of Spencer county, who shall meet at the house of Azel W. Dawsey, on the first Monday of March next, and proceed to fix the seat of justice for the county of Spencer, agreeably to the provisions of an act fixing the seats of justice in all new counties hereafter to be laid off.

Commission-
ers appoint-
ed.

Sec. 5. That the board of county commissioners in and for the county of Spencer shall, as soon as convenient after the seat of justice is fixed, cause the necessary public buildings for said county to be erected thereon.

Sec. 6. That whenever the seat of justice within the county of Spencer shall have been established, the persons authorised to dispose of the public lots belonging to said county,

Reservation
on lots.

shall reserve ten per cent. on the nett proceeds of the whole sale for the use of said county library, in said county which sum or sums of money shall be paid over to such person or persons as shall be authorised to receive the same, in such manner and in such installments as shall be authorised by law.

Sec. 7. This act shall take effect and be in force from and after its publication.

CHAPTER X.

AN ACT for the formation of a new county out of the present counties of Warrick, Gibson and Posey, and for the removal of the seat of justice of Warrick county, and for other purposes.

APPROVED—January 7, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That from and after the first day of February next, all that tract or parcel of country which is included within the boundaries following, shall constitute and form a new county, to be known and designated by the name and style of the county of Vanderburgh, viz: Beginning on the Ohio river where the range line dividing ranges eleven and twelve west, strikes the same, thence north with said range line to the centre of township four, south of Buckingham's base line, thence east through the centre of township four, south to the range line dividing ranges nine and ten west, thence south with the said range line to a line dividing townships five and six south, thence east to the first section line in range nine, thence south with said section line to the Ohio river, thence down the Ohio river, with the meanders thereof, to the place of beginning.*

Vanderburgh.

Boundary thereof.

SEC. 2. The said new county, hereby formed and established, shall enjoy and exercise all the rights, privileges and jurisdictions, which to a separate county do or may properly appertain or belong.

SEC. 4. Until a court-house shall be erected for the accommodation of the court in the said new county the courts of said county of Vanderburgh shall be held at the house of Hugh M-Gary, in the town of Evansville, in said county, or at such other place as the court may from time to time adjourn to.

Courts where to be holden.

SEC. 3. John Stevenson of Perry county, Arthur Harbison of Pike county, William Hargrave of Gibson county, John Allen of Daviess county, Archibald Scott of Knox county, be, and they are hereby appointed commissioners to fix the seat of justice in said county of Vanderburgh, who shall meet at the house of Samuel Scott, in said county of Vanderburgh, on the second Monday in March next, and proceed to fix the seat of justice for the said county of Vanderburgh, agreeably to the provisions of an act for fixing the seats of justice in all new counties hereafter to be laid off.

Com'rs. appointed.

SEC. 5. That the board of commissioners, authorised to transact county business in and for the county of Vanderburgh, shall, as soon as convenient after the seat of justice is fixed, cause the necessary public buildings for said county to be erected thereon.

When public buildings shall be erected.

SEC. 6. The courts shall be adjourned there-to as soon as the court-house is, in the opinion of the Circuit Court of said new county, sufficiently completed for the accommodation of the courts.

SEC. 7. Whenever the seat of justice within the county of Vanderburgh shall have been established, the person authorised to dispose of the public lots, belonging to said town, shall reserve ten per centum on the nett proceeds of the whole sale, for the use of a conn-

Reservation of ten per cent.

ty library in said county, which sum or sums of money shall be paid over to such person or persons as shall be authorized to receive the same, in such manner and in such instalments as shall be authorised by law.

Allowance to the sheriff of Gibson for notifying comm's.

Sec. 8. It shall be made the duty of the sheriff of Gibson county to notify by written notice or otherwise, the several commissioners hereinbefore appointed to fix the seat of justice of the said county of Vanderburgh of their said appointments, and the time and place at which they are to meet, for which service the said sheriff shall be compensated out of the funds of the said county of Vanderburgh.

Com'rs. for fixing the seat of justice in Warrick.

Sec. 9 John Tipton of Harrison county, Zachariah Lindley of Orange county, James B. Slaughter of Harrison county, Roland B. Richards of Gibson county, and David Edwards of Posey county, be, and they are hereby appointed commissioners, to fix the seat of justice of Warrick county, agreeably to an act entitled, "an act for fixing the seats of justice in all new counties hereafter to be laid off, whose duty it shall be to meet at the house of John Hargrave in the said county, on the third Monday of March next, and proceed to fix and establish the permanent seat of justice for the said county of Warrick, and so soon as the said county seat is established as aforesaid the town of Darlington be and the same is hereby declared no longer to be the seat of justice of the said county of Warrick, and the same is hereby removed from Darlington to the place so established.

When the courts shall be removed from Darlington.

Sec. 10. Be it further enacted, That so soon as the seat of justice is fixed as aforesaid within the said county of Warrick, it shall be the duty of the board of county commissioners to proceed to erect the necessary public buildings thereon, and when the said buildings are in the opinion of the Circuit Court sufficient for their accommodation, the said court shall be adjourned thereto, after which all courts

for said county shall be held at the said seat of justice.

Sec. 11. All persons who have purchased any lot or lots, at the town of Darlington shall be permitted to re convey the same to the commissioners of Warrick county, for the use of said county, whose duty it shall be to receive said coveyances and refund to the person or persons so conveying the original purchase money with interest thereon, to be paid out of the funds of the said county of Warrick: *Provided also*, That it shall be the duty of the commissioners as aforesaid to pay over unto Nathaniel Ewing the balance yet due on the original purchase of the tract of land whereon the said town of Darlington is situate, and receive a conveyance therefor from the said Nathaniel Ewing and dispose of the same at public auction, for the benefit of the said county of Warrick, either for ready money or on such credit as the Circuit Court of said county may direct.

Com'rs. to refund to purchasers of lots in Darlington.

All acts and parts of acts coming within the purview of this act be and they are hereby repealed.

Sec. 4. This act to take effect and be in force from and after its publication.

CHAPTER XI.

AN ACT attaching a part of the county of Harrison to the county of Orange, and a part of the county of Dubois to the county of Perry, and for the formation of a new county out of the counties of Harrison Orange and Perry.

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That from and*

Part of the
county of
Harrison at-
tached to Or-
ange.

Boundaries.

Suits, &c.
prosecuted
as if this act
had never
passed.

ter the 15th day of February next, all that part of the county of Harrison, included within the following boundaries, shall be attached to and form a part of the county of Orange, that is to say; Beginning on the second principal meridian line, where an east and west sectional line dividing sections thirty and thirty one, in township one south, and range one east strikes the same; thence east with said sectional line to the south east corner of section number twenty nine, in township one south and range two east; thence north with a sectional line to the corner of Orange county; thence west with the line of Orange county to the aforesaid meridian line; thence south with the same to the place of beginning. *Provided always*, That all suits, pleas, complaints, actions and proceedings, which may have been commenced, instituted and pending, in the now county of Harrison, on the said fifteenth day of April next, by any person or persons residing within the foregoing bounds shall be prosecuted to final judgment and effect, in the same manner as if this act had never been passed: *provided also*, that all taxes due and unpaid by the inhabitants within the bounds aforesaid, shall be collected and paid over in the same manner as they would have been had this act not taken effect.

Part of the
county of Du-
bois attached
to Perry.

SEC. 2. After the fifteenth day of February next, all that part of the county of Dubois included within the following boundaries, to wit: Beginning at the south east corner of township three south, and range three west; thence west with said township line to the line dividing ranges three and four west; thence north with the same three miles; thence east through the centre of said township to the line dividing ranges two and three west; thence south with the same to the place of beginning, shall be attached to and form a part of the county of Perry, to all intents and purposes

whatever, any law to the contrary notwithstanding.

SEC. 3. From and after the first day of March next, all that part of the counties of Harrison, Orange and Perry, included within the following boundaries, shall form and constitute a new county, that is to say: beginning on the Ohio river at the mouth of Big Blue river; thence up the same with the meanders thereof, until it strikes the line dividing sections twenty six and twenty seven, in township three south and range two east; thence north with said sectional line until it strikes Big Blue river; thence up said Big Blue river, with the meanders thereof, until it strikes the line of Harrison and Washington Counties; thence west with said line to the corner of Washington county; thence south to an east and west sectional line, dividing sections twenty-nine and thirty two, in township one south and range two east, thence west with said sectional line to the line dividing ranges two and three west; thence south with said range line nine miles to an east and west line, four miles north of the line dividing townships three and four south; thence east with said sectional line to the meridian line; thence south with the same to the Ohio river; thence up the same, with the meanders thereof, to the mouth of Big Blue river the place of beginning; to be designated and known by the name and style of the county of Crawford; and the said county of Crawford shall enjoy all the rights, privileges and jurisdiction, which to a separate county do or may properly belong.

SEC. 4 John Ribble, of Washington county, Joseph W. Doke, of Orange county, Samuel Conner, of Perry county, John McClure, of Daviess county, and Thomas Carr, of Clark county be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice for said new county,

Harrison, Or-
ange & Perry
shall consti-
tute a new
county.

Boundary.

Commission-
ers appoint-
ed.

When and
where to
meet.

Sb'ff of Har-
rison shall
ratify.

agreeably to an act entitled, "An act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named shall convene at the house of James Brown of said new county, on the third Monday of April next, and then proceed to discharge the duties assigned them by law.

SEC. 5 It shall be the duty of the sheriff of Harrison county, to notify the commissioners above named, either in person or by written notification, of their said appointments, and of the time and place at which they are by this act required to meet, at least ten days previous to the day appointed for their said meeting; and the said sheriff shall be allowed a reasonable compensation for his services so rendered, out of the first monies in the treasury of the said new county, to be paid as other county claims usually are.

Sec. 6. The board of county commissioners of Crawford county shall, within twelve months after the permanent seat of justice shall have been established as aforesaid, proceed to erect the necessary public buildings thereon.

When pub-
lic buildings
shall have
completed,
court may ad-
journ thereto

Sec. 7. Until suitable accommodations can (in the opinion of the circuit court,) be had at the county seat established as aforesaid, all the courts which by law become necessary to be holden at the seat of justice in said county, shall be held at the house of James Barker, after which time all the courts aforesaid shall be adjourned to the seat of justice established under the provisions of this act.

Ten per cen-
tum. allowed
for public li-
braries.

Sec. 8. The agent who shall be appointed to lay out and sell the lots at the seat of justice of said new county, shall reserve in his hands, ten per centum out of the nett proceeds of the sales aforesaid, for the use of a county library in said county; which sum or sums of money so reserved, shall be paid by said agent or his successor or successors in said office, over to such person or persons as may be legally appointed to receive the same, in such

manner and in such instalments as may be directed by law.

This act to take effect and be in force from and after its publication.

CHAPTER XII.

AN ACT for attaching a part of Harrison county to the county of Perry, and for other purposes.

APPROVED—January 10, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That from and after the first day of February next, all that part of Harrison county, which lies within the following boundary, to wit: Beginning on the Ohio river, at the mouth of Little Blue river; thence up the same with the meanders thereof to the line dividing sections thirty and thirty-one, in town 3. south and range one, east; thence with the last mentioned line to the second principal meridian, the western boundary of Harrison county; thence south with said meridian to the Ohio river; thence up the same to the place of beginning, be separated from the county of Harrison and attached to and form a part of the said county of Perry; and that the part so taken from the county of Harrison and attached to the said county of Perry, shall at all times in law and in fact, be held, deemed and considered, to all intents and purposes, a part of the county of Perry: Provided nevertheless, That all suits, pleas, complaints, actions and proceedings which shall have been commenced, instituted and pending within the said county of Harrison, shall be prosecuted to final effect in the same manner as if this act had not been passed: Provided, That the state and county levies or taxes, which are now due, and have been assessed within the bounds of that part*

part of Har-
rison attach-
ed to Perry.

Boundary.

Suits prose-
cuted, & tax-
es collected
as if this act
had not pas-
sed.

Seat of justice of Perry removed.

so taken from the county of Harrison and attached to the said county of Perry, shall be collected and paid in the same manner and by the same officers as if this act had not been passed. And that the seat of justice of Perry county be removed from Troy to that part of Perry county which may hereafter be designated by virtue of this act, so soon as suitable accommodations can be had as herein after provided.

Commissioners appointed

When to meet.

When public buildings are erected court may remove thereto.

Agent for Perry to deliver over notes, &c. to commissioners.

Sec. 2. William Harrington of Gibson county, Jacob Zenor of Harrison county, and Ignatius Abel of Harrison county, Samuel Chambers of Orange county, and Samuel Snyder of Spencer county are hereby appointed commissioners, whose duty it shall be to repair to the house of Aaron Cunningham in said county of Perry, on the second Monday of March next, and proceed to designate the place for the permanent seat of justice of Perry county, agreeably to an act, entitled "An Act for fixing the seats of justice in all new counties hereafter to be laid off" And until suitable accommodations, in the opinion of the circuit court, can be had at the seat of justice in the county of Perry, all courts and boards of commissioners for said county, shall meet and transact business at the town of Troy; and after the seat of justice shall have been established as prescribed in this act, and suitable accommodations can be had, in the opinion of the circuit court, the said courts shall adjourn to the seat of justice so as aforesaid established; after which time, all courts and meetings of the county commissioners shall be held and transacted at the county seat. And the agent heretofore appointed for the county of Perry, is hereby authorised and required to deliver to the commissioners, all notes and other obligations on individuals for the purchase of any lots in the said town of Troy, who wish to cancel the same; and the commissioners are hereby authorised to cancel all any every con-

tract so as aforesaid, made according to the true intent and meaning of this act. And the commissioners are hereby authorised to advertise and sell all the land belonging to the county of Perry, upon which the town of Troy is situated, for the best price that can be had, either for ready money or upon such credit as the commissioners may order and direct; the sale to be made by the sheriff of the county, and the money arising therefrom to be paid into the county treasury, for the use of the county.

Sec. 3. The donations given to the county of Perry by James M'Daniel, sen'r and Ja's M'Daniel, jun'r. except what has been sold of the same, shall revert back to them the said M'Daniels respectively; and it is hereby made the duty of the county commissioners, to convey the same back to them, their heirs or legal representatives, at any time when thereunto required; and if any lot or lots have been sold on either of the above mentioned donations, it shall be the duty of the county commissioners to pay over to the said M'Daniels respectively, the amount of any money received for such lots, with interest thereon from the time of sale until paid, out of any money belonging to the county; and it is also made the duty of the county commissioners of the county aforesaid, to receive back on behalf of the county, any lot or lots that have been sold to any person or persons in the town of Troy, on any other land belonging to said county when thereunto required, and to pay back to the purchaser thereof the original price, with interest thereon until paid, out of any money in the county treasury, or the amount thereof in lots at the county seat hereafter to be established, as the party or parties holding such lots shall agree.

power and duty of the commissioners

Sec. 4. That there shall be reserved for the use of a county seminary, ten per centum on the nett proceeds of the amount of the sale

Ten per centum reserved

of the public lots sold in said county, to be paid over to such person or persons as may be hereafter authorised by law to receive the same.

Sec. 5. As soon as the proprietors and holders of lots in the town of Troy shall agree to vacate said town, they are hereby authorised to do so, by certifying their wish under their hands and seals; which certificate, after being acknowledged before some justice of the peace of the said county and recorded in the recorder's office of the county, shall be considered to all intents and purposes as a vacation of said town.

This act to take effect from and after the first day of February next.

CHAPTER XIII.

AN ACT to organize the County of Ripley.

APPROVED—January 14, 1818.

When Ripley
county shall
be organized.

Boundary.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That from and after the tenth day of April next, all that section of said state, called and known by the name of Ripley county, and included within the following boundaries, to wit: Beginning at the south east corner of section number thirty-one, in township six, north of range number 10 east, being the south east corner of Jennings county, running thence north with the line of Jennings county to the Indian boundary, thence north eastwardly with said Indian boundary, to the line of Franklin county, thence east with the said line to the old boundary line, thence south with said old boundary line to the corner of Switzerland county, thence west with the line of said county to the north-west corner thereof, thence

south with another line of said county to the north east corner of Jefferson county; thence west with the line of Jefferson county to the place of beginning.

Sec. 2. The said county of Ripley, from and after the tenth day of April next, shall be and the same is hereby organized, and shall enjoy all the rights, privileges and jurisdiction which to a separate county does or may belong. And John Depauw of Washington county, John Conner, near Connersville, of Franklin county, John R. Graham and Charles Beggs of Clark county, and William H Eads of Franklin county, are hereby appointed commissioners to designate the site for the permanent seat of justice for the said county of Ripley, agreeably to an act of Assembly, entitled "An act for the fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, shall convene at the house of Benjamin Brown, on the last Monday of April next, and then proceed to discharge the duties assigned them by the aforesaid recited act. The board of commissioners of said new county, shall, within twelve months after the permanent seat of justice shall have been established in said new county, proceed to erect the necessary public buildings thereon; and until, in the opinion of the court, suitable accommodations can be had at the county seat, the court in such county shall be held at the house of the aforesaid Benjamin Brown; after which time they shall adjourn to the county seat.

Sec. 3. The agent to be appointed for the said county of Ripley, shall reserve in his hands, ten per. centum out of the nett proceeds of the sales of lots, which may be made at the seat of justice of said county, for the use of a county library; which sum or sums of money so reserved, shall be paid by said agent, or his successor in office, over to such person or persons as may be authorized to re-

E

Commission-
ers appointed

Where to
meet.

Where court
shall set until
suitable build-
ings are e-
rected.

Ten per cen-
tum reserved
for public li-
braries.

ceive the same, in such manner and in such instalments as may be directed by law.

CHAPTER XIV.

AN ACT for the formation of a new county off of the county of Sullivan.

APPROVED—January 21, 1818.

New county formed. *Sec. 1. BE it enacted by the General Assembly of the State of Indiana, That from and after the fifteenth day of February next, all that part of the county of Sullivan included in the following bounds, shall form and constitute a new county, that is to say: Beginning at a point on the Wabash river, where the section line between fractions fourteen and twenty-three, in range eleven west, township ten north strikes the same; thence east with said line, to where it intersects the range line dividing ranges six and seven west, township ten north; thence north with said range line, to the Indian boundary; thence with said boundary to the division line between the state of Indiana and the Illinois Territory; thence south with said line to where it strikes the Wabash river; thence down said river to the place of beginning.*

Boundary.

Name thereof. *Sec. 2. The said new county shall, from and after the fifteenth day of February next, be known and designated by the name and style of Vigo county, and it shall enjoy all the rights, privileges and jurisdictions which to a separate county do or may properly appertain and belong.*

Comm'rs appointed. *Sec. 3. Elihu Stout of Knox county, John Allen of Daviess county, Charles Scott of Sullivan county, James W. Jones of Gibson county, and Marstin G. Clark of Washington county be, and they are hereby appointed commis-*

sioners to designate the place for the seat of justice of Vigo county, agreeably to an act, entitled "An act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, shall convene at the house of Trueman Blackman in the neighborhood of Fort Harrison, on the third Monday in March next, and then proceed to discharge the duties assigned them by law.

Where to meet,

Sec. 4. The board of commissioners of said new county of Vigo, shall, within twelve months after the permanent seat of justice shall have been established, proceed to erect the necessary public buildidgs thereon.

Sec. 5. Until suitable accomodations can be had, in the opinion of the circuit court, at the seat of justice of said new county, all the courts of justice of the same, shall meet at the house of Trueman Blackman, near Fort Harrison, from whence they may adjourn, if they think proper, to any other suitable place near the centre of said new county, and so soon as the public buildings are, in the opinion of the circuit court, in a sufficient state of forwardness for their accommodation, the courts shall adjourn to the county seat; and after that time the circuit court and all other courts necessary to be holden at the seat of justice of the county aforesaid, shall be held at the county seat established for said county.

When sufficient buildings are erected, court may adjourn thereto.

Sec. 6. Whenever the seat of justice of the said new county shall have been established, the person or persons authorised by law to lay off the lots and sell the same, shall reserve ten per. centum. on the nett proceeds of the whole sale of said lots, for the use of a county library in said new county; which sum or sums of money so reserved, shall be paid over to such person or persons as may be authorized to receive the same, in such manner and in such instalments as shall be authorized by law.

Ten per centum allowed.

Sec. 7. Be it further enacted, That the

said county of Vigo, which was formerly a part of Sullivan, shall form a part of the respective counties of Knox, Daviess and Sullivan for the purpose of electing senators and representatives to the general assembly, until otherwise directed by law, in the same manner as if this act had not passed.

Sec. 8. This act to take effect and be in force from and after its publication.

CHAPTER XV.

AN ACT to attach the county of Crawford to the Second Circuit,

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the county of Crawford be, and the same is hereby attached to the second circuit. And each term shall commence on the second Mondays of May, August and December, and sit six days if necessary.

This act to take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT for the relief of sheriffs therein named.

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* That Noah Wright, sheriff of Washington county, shall be allowed the sum of eight dollars, and ninety cents with interest thereon from the ninth day of June 1816, it being the sum by him

Allowance to
N. Wright.

paid into the treasury, as taxes on land improperly listed, and therefor released from the payment of taxes.

SEC. 2. Zacharias Lindley, sheriff of Orange county, shall be allowed twenty-nine dollars five mills, the tax by him paid on three thousand three hundred and fifteen acres of second rate land, which was listed in two different townships in said county.

Allowance to
Z. Lindley.

SEC. 3. There shall be allowed to James Vawter, late sheriff of Jefferson county, the sum of sixty-five dollars and twenty-three and one fourth cents, the amount of taxes charged against him for the year 1815, on land which, after being duly advertised, would not sell for the tax and expences due thereon.

Allowance to
J. Vawter.

SEC. 4. There shall be allowed to James Hamilton, late sheriff of Dearborn county, thirty dollars and ninety-nine cents, the amount of his list of non-resident delinquent land tax for the year 1815.

Allowance to
J. Hamilton.

SEC. 5. That Robert Hanna, sheriff of Franklin county, be and he is hereby allowed the sum of twenty-seven dollars and seventy-five cents, for taxes improperly paid in the year one thousand eight hundred and fifteen, and for money paid to John Scott, a printer, for publishing the time and place of offering for sale the land offered for sale by said sheriff in the year 1817, for non-payment of taxes.

Allowance to
R. Hanna.

SEC. 6. The different sums herein allowed, are hereby appropriated for their payment, out of any money in the treasury not otherwise appropriated, and the auditor of public accounts shall draw warrants on the state treasurer accordingly.

This act to be in force from and after its passage.

CHAPTER XVII.

AN ACT for the relief of sheriffs for the year one thousand eight hundred and seventeen.

APPROVED—January 2, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That a further time of twenty days be allowed from and after the passage of this act, to the several sheriffs of this state, to pay into the state treasury, the taxes due from their respective counties, for the year one thousand eight hundred and seventeen; and it is hereby made the duty of the treasurer to receive of any sheriff who shall within the time aforesaid pay the amount due from him and receipt therefor, without any damages for not having paid the same into the treasury, at the time prescribed by law.*

Sec. 2. *This act to take effect from and after its passage.*

CHAPTER XVIII.

AN ACT for the relief of the heirs of Henry Vanderburgh, deceased.

APPROVED—January 29, 1818.

Whereas it hath been represented to the General Assembly by the heirs of Henry Vanderburgh deceased, that at the May term at the court of probate, in and for Knox county, in the year one thousand eight hundred and seventeen, commissioners were appointed to make partition of the real estate of the said decedent, agreeable to his last will and testament, and that said commissioners were by said court commanded to make their report of the partition of the real estate of

the said decedent, amongst the heirs of the said decedent, according to his last will and testament, by and at the next succeeding term of said court: And whereas, it has been represented to this General Assembly, by the heirs of the said Henry Vanderburgh deceased, that all the proceedings of the commissioners were according to law, except that their report was not made in and at the time ordered, and that it would save considerable expense to the said estate in preventing a second partition thereof to be made: For remedy whereof,

BE it enacted by the General Assembly of the State of Indiana, That the report of the commissioners appointed by the court of probate or associate judges for the county of Knox sitting as a court of probate, shall, if hereafter received by said judges at any succeeding term, be taken, deemed and considered, as good and valid as though the same had been returned and made in term time, as ordered, any law, custom or usage to the contrary notwithstanding.

CHAPTER XIX.

AN ACT to revive and amend an act entitled, An Act to incorporate the Indiana Church, approved the 7th December 1810.

APPROVED—January 22, 1818.

Whereas it hath been represented, that the incorporation of the Indiana Church hath been forfeited, and whereas, a revival of the same would promote and contribute to the propagation of the gospel and the knowledge of the divine truth to the advancement of piety and morality, and promote order in society: Therefore,

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That the act,*

Act incorpo-
rating Ind.
Church re-
vived, &c.

Trustees ap-
pointed.

When mem-
bers may
hold an elec-
tion.

Bye-laws, &c.
revived & put
in force.

entitled, "an act to incorporate the Indiana Church, approved the seventh day of December, one thousand eight hundred and ten, be, and the same is hereby revived and put in force, in as full and complete a manner, as if the same had not been forfeited, together with all the rights, property and estate, acquired by the said Indiana Church.

SEC. 2. *Be it further enacted*, That Thomas Posey, Samuel Thompson, John McClure, Daniel Smith and Samuel Adams, be, and they are hereby appointed trustees of the Indiana Church, to exercise and perform the duties of trustees, as mentioned in said act, until the first Monday in December, 1818, at which time the members of the said church may hold an election, agreeable to the manner prescribed in said act; and in case the said election for trustees should not take place on the said first Monday in December, 1818, then it shall be the duty of the said trustees, or any one of them, so soon thereafter as may be thought convenient, to advertise for at least ten days, in two or more of the most public places in the neighborhood of the church, that an election will be holden for Trustees, to fill the place of the former; and the Trustees named in this act, shall continue in office until an election shall take place, and each successive set of Trustees shall continue in office until their places are filled by an election, either at the annual or advertised meeting of the members of said Church, and the annual election for Trustees shall be held on the first Monday in December annually hereafter.

Sec. 3. The bye laws, ordinances and regulations, not inconsistent with the constitution of the state of Indiana, enacted and adopted by the board of Trustees of the said Indiana Church, under their charter hereby revived, are hereby revived and put in as full force and virtue as if the said act of incorporation had not been forfeited; which bye laws shall be

in force until the next meeting of the board of Trustees by this act appointed, and until altered, amended or repealed as the said act hereby revived, has pointed out.

This act to take effect from and after its publication.

CHAPTER XX.

A JOINT RESOLUTION of the Senate and House of Representatives of the State of Indiana.

APPROVED—December 19, 1817.

Sec. 1. *Resolved by the General Assembly of the State of Indiana*, That it is inexpedient at this time, to make any amendments or alterations in the Constitution of the United States.

Sec. 2. *Resolved*, That the Governor of this state be requested to forward certified copies of this resolution to each of our senators, and our representative in Congress; also, to the Governors of the states of Connecticut, New Jersey and Kentucky.

CHAPTER XXI.

AN ACT for the relief of John Hurst, junr. late Sheriff of Harrison county.

APPROVED—January 24, 1818.

WHEREAS, it is represented to this General Assembly, that several errors have been committed in settling with John Hurst, junr. late sheriff for Harrison county, in the settlement for taxes collected by the said John Hurst, for the use of the county for the years one thousand eight hundred and twelve, thirteen and fourteen: And Whereas, from the

preamble.

nature of the then existing laws, the said Hurst is without remedy in having the many errors in rendering judgments against him as such collector of the county revenue corrected and justice done: THEREFORE,

Sec. 1. BE it enacted by the General Assembly of the State of Indiana, That Ebenezer Macdonald, Reuben W. Nelson and Henry P. Coburn be, and they are hereby appointed commissioners, who, or any two of whom, after having first taken an oath faithfully and impartially to transact the several duties enjoined on them by this act, are authorised to settle and adjust all accounts with the said John Hurst junr. so far as they relate to the revenue of the county of Harrison, and to make and allow unto the said Hurst, all equitable and just allowance for services, receipts, delinquencies and insolvencies they may think right; and when settled, they or a majority of them shall give to the said John Hurst, junr. a final quietus therefor; which shall be a bar to any and every suit that may be hereafter commenced or now pending against him for or on account of the said county revenue, and for the balance due, if any shall be found to be due, shall the said John Hurst, junr. and his securities for the several years of his shrievalty be liable, and no more.

Sec. 2. All judgments heretofore obtained, and executions issued shall be stayed and no further proceedings shall be had thereon against the said John Hurst junr. and his securities for taxes collected as aforesaid, until the commissioners aforesaid do make final settlement as aforesaid, and report the same to the county commissioners for the said county, and they to the circuit court for the county of Harrison aforesaid: Provided. The same be made on or before the first Monday in May next.

Sec. 3. Should it appear to the commissioners aforesaid, that more has been actually re-

covered against the said John Hurst junr. and his securities, than was actually due for the revenue of the several years respectively of his shrievalty, the overplus shall be credited on the said judgments or executions; and should more have been paid by the said John Hurst junr. than he was actually liable for in either of the said years, he shall be remunerated therefor out of the next years taxes: Provided nevertheless. That no person having any just demand against the said county shall be prejudiced thereby, but the county shall be liable to satisfy the same out of any money unappropriated in the treasury.

The said commissioners shall receive from the said John Hurst, for their services the sum of two dollars per day each.

This act to take effect from and after its publication.

Further duty
of commis-
sioners.

CHAPTER XXII.

AN ACT to authorise William Wright to build a toll bridge across Silver creek.

APPROVED—January 29, 1848.

Sec. 1. BE it enacted by the General Assembly of the State of Indiana, That William Wright be, and he is hereby authorised on the following conditions, and subject to the following restrictions herein after specified, to erect at his own expense, a toll bridge across Silver creek, in the county of Clark, on lot of land number forty five in the town of Clarkesville, and part of lot number twenty nine, in the Illinois grant, adjoining the same.

Wright to
build a toll
bridge, ac-
cross Silver
creek.

Sec. 2. If the said William Wright shall, within three years from and after the passage of this act, have erected and made a good, strong and complete bridge across the said

Where to be
built.

creek, upon the said lot of land number forty-five and part of lot number twenty nine, made of sufficient width, having good strong hand railings, with a cart way or cart ways, and in other respects as is in this act provided, the said William Wright, his heirs, assigns or representatives may in that case ask, demand and receive of and from travellers and others passing said bridge, toll agreeably to the following rates, viz: For each foot passenger, three cents; for every horse, mule or ass one year old and upwards, six cents; for every horse and rider, ten cents; for every chaise, riding chair or other two wheel pleasurable carriage with one horse and driver, twenty-five cents; for the same with two horses and driver, thirty-one and one fourth cents; for each charriot or other pleasurable carriage with four wheels, drawn by two horses, driver included, thirty-one and one fourth cents; for the same drawn by four horses, driver included, thirty-seven and a half cents; for each cart, sled or sleigh drawn by one horse, mule or ox, with the driver, twelve and one half cents, and six cents for every horse, mule or ox in addition; for every waggon drawn by two horses, mules or oxen, with its driver, twenty-five cents, and for every horse, mule or ox in addition, six cents; for each head of neat cattle six months old and upwards, two cents; and for every head of sheep or hogs, one cent: *Provided*, That public mails and expresses, all troops of the United States or of this state with their artillery, baggage and stores may pass said bridge free from the toll aforesaid. And it shall be the duty of the said William Wright, or any of his several assignees or representatives, previous to their receiving toll, to set up and constantly keep exposed to public view, in some conspicuous place near the gate which may be constructed across said bridge, a board or canvass on which shall be painted or printed in large letters, in

Rates of toll

fair and legible characters, the rate or rates of toll by this act established.

Sec. 3. That the board of commissioners for the county of Clark shall, upon the application of the said William Wright, appoint a committee to consist of three disinterested persons, whose duty it shall be to examine the said bridge when the same shall have been completed, at the expense of the person desiring it; and if they shall certify that the said bridge is built in a sufficient manner, of a proper width, with good hand railings and cart way or cart ways, and in other respects of sufficient strength and dimensions, so as to admit of the safe passage of passengers, carriages, waggons, neat cattle, sheep and hogs, on the receipt of such certificate, it shall be lawful for the said William Wright, his heirs, assigns or legal representatives to ask, demand and receive the toll herein before set forth, and to enjoy all the privileges, emoluments and advantages secured to him by this act, so long as he shall keep said bridge in good and sufficient repair.

Sec. 4. The said William Wright may, at any time within the three years allowed by this act for erecting the said bridge, build a good strong and sufficient flat boat, sufficient for the safe conveyance of a waggon with four horses across the said silver creek, at a convenient distance from the said bridge, on the nearest eligible ground adjoining the same, on the said lot of land number forty-five and part of said lot number twenty-nine, and shall keep the same in good and complete order for the ferriage of travellers or others who may wish to cross the same, at the same rates allowed by this act for crossing on the said bridge so long as the said boat and ferry shall be kept in good repair, and shall keep the road leading to and from the said creek on both sides as far as high water mark, in good order and condition for travelling, and shall in every o-

Committee
appointed to
examine the
bridge.

May use a
ferry boat un-
til bridge be
completed.

ther respect be subject to the same rules and regulations and liable to the same restrictions and penalties provided for and contained in the act regulating ferries.

Sec. 5. If the said William Wright, his heirs assignees or representatives, or any other person or persons holding under or claiming title from him or them or any of them, shall collect or demand any greater rate of toll for passing over said bridge than such as are herein prescribed, or shall collect or demand any rate or toll from any person or persons by this act exempted from payment thereof, knowing of such exemption, the person or persons so offending shall be subject to the like fines and forfeitures as are or may be provided in case of fines.

This act shall be in force from and after its publication.

CHAPTER XXIII.

AN ACT to authorise Paxton W. Todd to build a toll bridge over Indian Creek.

APPROVED—January 21, 1818.

Whereas it hath been represented to this General Assembly that the citizens of the State of Indiana, and other persons who shall or may pass or repass that way, are put to great trouble and inconvenience by and in consequence of a certain creek, known by the name of Indian creek, which empties into the river Ohio about two miles below the town of Vevay, in the county of Switzerland, in this state—For remedy whereof

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That Paxton W. Todd, of the said town of Vevay, in the said county of Switzerland, his agent or agents, heirs or assigns be and he, she or they are*

hereby authorised to build and erect, as near the junction of said Indian Creek, with the Ohio as is practicable, a bridge across said creek at least sixteen feet wide in the clear, with good and sufficient hand railing on each side, and in other respects strong, convenient and substantially, for the safe and easy passage of all travellers, horses, cattle, hogs, carriages of every description, and such other commodity or thing whatever which may pass that way; and the said Paxton W. Todd, his agent or agents, heirs or assigns, shall be entitled to receive such rates of toll as may be by this act allowed and authorised.

Sec. 2. *It shall be the duty of the said Paxton W. Todd, his agent or agents, heirs or assigns, to keep up in some convenient place on said bridge, where the toll shall or may be received and collected, a list of the rate of toll allowed to be received, which said list shall be printed in large english print, and for every day the same shall be neglected, after reasonable time to have the same printed, he, she or they shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, by any person who shall sue for the same.*

Sec. 3. *If any person or persons, other than the person or persons lawfully keeping said bridge, shall put down, deface, alter or destroy the said printed list of rates, he, she or they so offending shall, upon conviction thereof, before any justice of the peace, forfeit and pay the sum of twenty dollars, one half to the use of the informer, and the other half to the use of the said lawful owner of the said bridge.*

Sec. 4. *It shall be the duty of the said Paxton W. Todd, his agent or agents, heirs or assigns, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair, and if in neglect of the said duty, the said Paxton W. Todd, his agent or agents, heirs or assigns, shall at any time suf-*

Bridge, where
to be built.

To sett up
printed rates
of toll.

Penalty for
defacing list

Paxton W.
Todd to build
a toll bridge
across Indian
creek.

for the said bridge to be out of repair, so as to be unsafe or inconvenient for passengers, he she or they shall, on conviction thereof before any court having competent jurisdiction by action of debt, forfeit and pay a penalty of fifty dollars, at the discretion of the court which tries the same, together with the costs of prosecution, one half to the use of the informer and the other half to the use of the county, and shall be moreover liable to the action of the party aggrieved thereby.

penalty, if
not kept in
repair.

Sec. 5. If the said Paxton W. Todd, his agent or agents, heirs or assigns, or any toll keeper, who may be by him, her or them appointed to receive the tolls of said bridge, shall demand and receive from any person or persons any higher or greater sum than shall be allowed by and under the provisions of this act, or shall demand and receive any toll from any person or persons who may lawfully pass over said bridge without toll, he, she or they so offending shall, for every such offence be fined in a sum not exceeding twenty dollars, to be recovered before any justice of the peace, with costs of prosecution, one half for the use of the prosecutor, and the other half for the use of the county.

penalty for
demanding
unlawful toll.

Sec. 6. The toll taken at said bridge shall be received by the said Paxton W. Todd, his agent or agents, heirs or assigns, for and during the term of twenty-five years from and after the publication of this act; after which time the said Paxton W. Todd, his agent or agents, heirs or assigns, shall not, under the penalty of one hundred dollars for each offence, to be recovered by indictment, ask, demand or receive any toll from any person or persons whomsoever, who may pass said bridge: *provided however*, Nothing in this act shall be so construed as to make it incumbent on the said Paxton W. Todd, his agent or agents, heirs or assigns, to permit any person or persons or thing whatsoever, to pass over said bridge af-

limitation.

ter the expiration of said term of twenty five years.

Sec. 7. The said Paxton W. Todd, his heirs or assigns, shall be entitled to ask, demand and receive the same toll for passengers, carriages and animals for crossing the aforesaid bridge, when the same shall have been completed, as are allowed by law to William Wright for crossing his toll bridge across the mouth of Silver creek, by an act passed at the present session of the General Assembly; and the said Paxton W. Todd, his heirs and assigns shall allow and afford the same privilege and facilities to public messengers, mails and troops, free of toll, across said bridge, that said William Wright is bound to do by the aforesaid act.

Rates of toll.

Sec. 8. It shall not be lawful for the county commissioners in and for the said county of Switzerland, from and after the time the said bridge may be finished and open for passengers, nor any other court within said county, to establish any ferry or bridge over said Indian creek within two miles of the aforesaid bridge, for and during the term of twenty five years aforesaid.

Sec. 9. Nothing in this act shall be so construed as to permit the said Paxton W. Todd, his agent or agents, heirs or assigns to build and erect said bridge over the said creek, unless he, she or they shall have the same fully completed within two years after the publication of this act, agreeably to the true intent and meaning of the same; nor unless he, she or they shall have the right in fee simple, clear of all incumbrances, to at least one acre of land on each side of the said creek, adjoining to said bridge, and be in possession of the same.

Time when
to be com-
pleted.

Sec. 10. This act shall take effect and be in force from and after its publication.

CHAPTER XXIV.

AN ACT authorising Morgan Eaton and William Ledgerwood to build a bridge across Bussereau creek.

APPROVED—January 29, 1818.

WHEREAS, it has been represented to this General Assembly, that Morgan Eaton and William Ledgerwood, of the county of Sullivan, are desirous to erect a toll bridge across Bussereau creek, and that persons passing and repassing to Fort Harrison and Merom are put to great inconvenience and trouble by and in consequence of high water: **FOR REMEDY WHEREOF,**

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Morgan Eaton and William Ledgerwood, of the said county of Sullivan, their agent or agents, heirs or assigns be, and he, she or they are hereby authorised to build and erect a toll bridge across Bussereau creek, at or near Morgan Eaton's mill, at least sixteen feet wide, with good and sufficient hand railing on each side, and in all other respects strong, convenient and substantially suitable for the safe and easy passage of all travellers, horses, cattle, hogs, carriages of every description, and such other commodity or thing whatever which may pass that way; and the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, shall be entitled and receive such rates of toll, as may be by this act allowed and authorised.

Sec. 2. It shall be the duty of the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, to keep up in some convenient place on said bridge, where the toll shall or may be received or collected, a list of the rate of toll allowed to be received; which said list shall be printed in

preamble.

Morgan Eaton and William Ledgerwood authorised to build a toll bridge across Bussereau creek.

To set up rates of toll.

large English print; and for every day the same shall be neglected, after reasonable time to have the same printed, he, she or they shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, by any person who shall sue for the same.

Sec. 3. If any person or persons, other than the person or persons lawfully keeping the said bridge, shall pull down, deface, alter or destroy the said printed list of rates, he, she or they so offending, shall, upon conviction thereof before any justice of the peace, forfeit and pay the sum of twenty dollars, one half to the use of the informer, and the other half to the said lawful owners of said bridge.

Penalty for defacing the list.

Sec. 4. It shall be the duty of the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair, and in neglect of the said duty, the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, shall at any time suffer the said bridge to be out of repair, so as to be unsafe or inconvenient for passengers, he, she or they shall, on conviction thereof before any justice of the peace, by action of debt, forfeit and pay a penalty of fifty dollars, at the discretion of the justice who tries the same, together with the costs of prosecution, one half to the use of the informer and the other half to the use of the county; and moreover, be liable to the action of the party aggrieved thereby.

Penalty for not keeping bridge in repair.

Sec. 5. If the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, or any toll keeper who may be by them appointed to receive the tolls of said bridge, shall demand and receive from any person or persons, any higher or greater sum than shall be allowed by and under the provisions of this act, or shall demand and receive any toll from any person or persons who

penalty for demanding unlawful toll.

may lawfully pass over said bridge without toll, he, she or they so offending shall, for every such offence, be fined in a sum not exceeding twenty dollars, to be recovered before any justice of the peace, with costs of prosecution, and the other half for the use of the county.

Sec. 6. The toll taken at said bridge shall be received by the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, for and during the time of twenty five years from and after the publication of this act; after which time the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns shall not under the penalty of one hundred dollars for each offence, to be recovered by indictment, ask, demand or receive any toll from any person or persons whomsoever, who pass said bridge.

Sec. 7. It shall be the duty of the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, previous to his, her or their commencing to build said bridge, to call on the county commissioners of the county of Sullivan by written notice, setting out in said notice, the time and place where the said county commissioners are to meet; and it shall be the duty of the said county commissioners to meet at the time and place set out in said notice, and when so met, they or a majority of them shall make out distinctly and separately, what the said Morgan Eaton and William Ledgerwood, their heirs or assigns shall receive as a toll for each four wheeled waggon and four horses or more, each four wheeled waggon and two or three horses, each cart and one or more horses, each four wheeled carriage of pleasure with one or more horses, each man and horse or ass, each head or horses, mules or asses, each head of neat cattle, each sheep, goat, hog, and for each carriage of any other description whatever; and the said rates of toll when so made out by the

limitation 25
years.

Commission-
ers to fix toll
rates, &c.

said county commissioners, shall be entered in the said commissioners books wherein they record other proceedings of the said county, and a fair list thereof shall be forthwith furnished the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, and the said rates of toll when so made out and entered, shall neither be raised or diminished, for the said term of twenty-five years, but shall stand as a contract between the said Morgan Eaton, William Ledgerwood, their agent or agents, heirs or assigns, and the people, for and during said period.

Sec. 8. It shall not be lawful for the said county commissioners, in and for the said county of Sullivan, from and after the time the said bridge may be finished and open for passengers, nor any other court within the said county, to establish any ferry or bridge over said Busscreau creek, within one mile of the aforesaid bridge, for and during the term of twenty-five years aforesaid.

Sec. 9. Nothing in this act shall be so construed as to prevent the said Morgan Eaton and William Ledgerwood, their agent or agents, heirs or assigns, to build and erect said bridge over said creek, unless he, she or they shall have the same completed within two years after the publication of this act, agreeably to the true intent and meaning of the same, nor unless he, she or they shall have the right in fee simple, clear of all incumbrance, to at least one acre of land on each side of said creek, adjoining to said bridge, and be in possession of the same.

Sec. 10. This act shall take effect and be in force from and after its publication.

Bridge to be
finished in 2
years.

CHAPTER XXV.

AN ACT authorising Jane Dubois, executrix, and William Jones and Toussaint Dubois, executors, of Toussaint Dubois, deceased, to convey a certain house and lot or parcel of ground in the borough of Vincennes, and for other purposes.

APPROVED—January 28, 1818.

Preamble.

WHEREAS, it has been represented to this General Assembly, by the petition of the executrix and executors of Toussaint Dubois, deceased, that the said decedent in his life time did sell a certain house and lot or parcel of ground in the borough of Vincennes, Knox county, to George R. C. Sullivan of said borough, and also one tract or parcel of land to John Aikman, without making deeds for the same or giving a bond to secure the conveyance thereof, and that it would be greatly to the advantage of said estate to authorize the executrix and executors of said Dubois to convey the said house and lot to George R. C. Sullivan, and the said tract of land to John Aikman, they having paid a part of the money, and are ready and willing to pay the balance as soon as they receive their deeds.

What property to be conveyed.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana.* That the said Jane Dubois, executrix, William Jones and Toussaint Dubois, executors as aforesaid, or a majority of them, shall have power and are hereby authorised and empowered to convey to the said George R. C. Sullivan, his heirs and assigns, the said house and lot or parcel of ground, situate, lying and being in the borough or town of Vincennes aforesaid, and bounded as follows: Beginning at the centre of the second street from the river Wabash; thence with said street thirty-seven and

a half toises fronting said street to the corner of a lot owned by the widow Bouchee or the heirs of Vital Bouchee, deceased; thence twenty-five toises to the corner of said lot; thence running parallel with the street before mentioned twelve and a half toises to the corner of a lot owned by Michael Brouellett; thence with the lot of said Brouellett twenty-five toises to the beginning; the said house and lot being the same now occupied by the said George R. C. Sullivan: which conveyance shall be made in such manner as to convey to the said George R. C. Sullivan, his heirs and assigns, the fee simple estate in the said estate or house and lot of ground, in as full and complete manner as the said Toussaint Dubois in his life time could have done: *Provided nevertheless*, that no conveyance as aforesaid, shall be made to the said George R. C. Sullivan, his heirs or assigns, until the said George R. C. Sullivan shall have produced to the said Executrix and executors, or a majority of them, satisfactory evidence, or such as would be admissible in either a court of law or equity, that a part of the purchase money has been paid, and shall pay or secure the payment of the balance due thereon to the said executors, which balance shall be assets in their hands, and that it was the intention of the said Toussaint Dubois, deceased, in his life time to have conveyed the same.

Proviso.

SEC. 2. The said executrix and executors be and they are hereby further authorised and empowered to convey the one ninth part of an undivided tract of four hundred acres of land, granted to the heirs of Nicholas Cardinal, and by them to the said Toussaint Dubois, deceased, lying in the county of Davies, to John Aikman, in the same manner and under the same restrictions they are in the first section of this act, authorised to convey a certain house and lot in Vincennes to George R. C. Sullivan: *Provided nevertheless*, that nothing in

Further powers granted.

this act contained shall be so construed as to prevent the executrix and executors or a majority of them, should the description of the lot sold to George R. C. Sullivan, or the tract of land sold to John Aikman, be some little different from that herein described, from conveying the same, agreeably to the true intent and meaning of the said Toussaint Dubois deceased, in his life time.

This act to take effect and be in force from and after its passage.

CHAPTER XXVI.

AN ACT making a specific appropriation for wolf scalps.

APPROVED—December 30, 1817.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That all sheriffs or other persons, within this state, who may be entitled to an allowance for killing wolves, under the provisions of an act to amend an act entitled, "an act to encourage the killing of wolves," receive pay therefor, and the sum of one thousand dollars is hereby appropriated for the payment of the same, to be paid out of any monies in the treasury not otherwise appropriated, on presenting to the treasurer the auditor's warrant for the same, as in other cases.

Sec. 2. This act to take effect from and after its passage.

CHAPTER XXVII.

AN ACT to Incorporate the Jeffersonville Ohio Canal Company.

APPROVED—January 28, 1818.

WHEREAS, it has been represented to this General Assembly, that the obstructions to navigation in the Ohio river, at the Great Falls, opposite and in the neighborhood of the town of Jeffersonville, in the county of Clark and the state of Indiana, very much impede and embarrass the commercial transactions of the states of Pennsylvania, Virginia, Ohio, Kentucky and Indiana: AND FOR REMEDY WHEREOF,

Preamble.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That a company shall be formed for the purpose of constructing a Canal on the northwest side of the said Ohio river, the stockholders of which, and all others that hereafter may become stockholders in the manner hereinafter provided and prescribed, their successors and assigns shall be, and they are hereby created, constituted, ordained and declared to be forever hereafter, a body politic, subject to the regulations, limitations and restrictions hereinafter mentioned and directed; and corporate in fact and in name, and by the name and style of the President, Directors and Company of the Jeffersonville Ohio Canal Company, and by that name, they and their successors shall have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits, actions, complaints and causes, and that they and their successors may have a common seal, and make and alter the same at their pleasure; and they and their suc-

Style of incorporation.

cessors by the same name and style, shall be in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

Capital stock Sec. 2. The capital stock of said company shall consist of twenty thousand shares of fifty dollars each; and books of subscription for stock shall be opened under the direction of the President, Directors and Company of the said Jeffersonville Ohio Canal Company, at such times and places, and in such manner as the said President, Directors and Company, for the time being, or a majority of them shall prescribe, not inconsistent with the constitution and laws of this state.

Directors, when & how elected. Sec. 3. The stock, property and concerns of the said company, shall be conducted by Benjamin Parke, James Scott, Jacob Burnet, Christopher Harrison, John Paul, William Prince and Stephen Ludlow, who are hereby constituted a Board of Directors, with power to elect one of their body as President until the first Monday of July next, and after that day, the same shall be conducted and managed by thirteen Directors, being stockholders, who shall be elected by the stockholders, on the first Monday of July annually, at such hour of the day and at such place, within this state, as the President and Directors for the time being, shall appoint; and public notice shall be given by the said Directors, not less than thirty days previous to the time of holding such election, by advertisements, to be inserted in one or more newspapers printed in this state; and the said election shall be made by ballot, by such stockholders as shall attend personally or by proxy, each share having one vote as far as ten shares, and one vote for every five shares above ten; and a majority of the directors so chosen, shall form a board, and shall, at their first meeting every year, elect by ballot one of their members to be their President; and the said board of Directors

shall have power to appoint the time and place of all their meetings for the dispatch of business, to appoint such superintendants, engineers, clerks and other officers, agents and servants, and exact from them such security for the performance of the duties assigned them, as the said Directors shall judge requisite for carrying into effect the purposes of this act, and to agree for and settle their wages, and pass and sign their accounts, and also to make and establish rules of proceeding, and to make such bye laws, rules and regulations, not inconsistent with the constitution of the United States, nor the constitution and laws of this state, as may be necessary for the purposes of this act.

To appoint superintendants, &c. and make bye laws.

Sec. 4. In case of the death, resignation or refusal to act of any Director or Directors, chosen as aforesaid, it shall and may be lawful for the remaining Directors, after having given public notice at least fifteen days for that purpose, to proceed to elect by ballot, a Director or Directors to fill such vacancy or vacancies, and in case of the absence, death, resignation or refusal to act of the President, it shall and may be lawful for the said Directors to choose a President pro tem. during such vacancy.

Vacancies, how filled.

Sec. 5. It shall and may be lawful for the said Company, its President and Directors, or any other person appointed under the seal of the said Company, to enter upon and take possession of any land whether covered with water or not, which shall or may be necessary for the prosecution of the works and improvements contemplated by this act, or whereupon it may be necessary to open or construct any canal, lock, dyke, embankment, pond, dam or other work intended or permitted by this act, without the consent of the owner or proprietor of such land; but the lands so taken and appropriated, shall be valued and paid for in the manner hereinafter provided: *Provided,*

Company may take possession of the lands of individuals.

That for the purposes aforesaid, it shall not be lawful for the said Company to take and condemn a greater quantity of land than two hundred acres.

Sec. 6. It shall be lawful for the said Company, or for any person or persons employed by or under them for the purposes contemplated by this act, from time to time to enter upon any lands contiguous to the intended canal or other works, or the places which may be selected for the same, with carts, waggons, carriages and beasts of draught and burden, and all necessary tools and instruments for making, altering and repairing the said works or any of them, and to take and carry away any timber, stone, clay, gravel, sand or earth from the same, for the purpose of making, altering or repairing the said works or any of them; but the said Company shall in all cases be subject to make compensation for all damages occasioned thereby, which compensation shall be settled either by agreement of the parties or in the manner hereinafter prescribed: *Provided however*, Nothing in this act shall be construed so as to permit the said Company, or any person for them, to enter on any land or lands without the owner's consent, which shall not lie within one hundred yards of the margin of said Canal.

Sec. 7. The President and Directors for the time being, may agree with the owner or owners of any lands so taken and appropriated or injured as aforesaid, for the purchase of such lands or for the amount of compensation for such injury and damages, as the case may be, but in case of disagreement as to the price or value of lands so taken as aforesaid, or as to the injury sustained, or where the owner or owners is or are *feme covert*, under age, *non compos mentis*, or out of the state, then it shall be lawful for the judges of the circuit court for the county in which the lands lie, or any one of them not being interested in the said com-

May enter on
lands to take
timber, gravel,
&c. &c.

pany or in any of the lands in controversy, upon the application of either party to nominate five disinterested persons to view and survey the said lands, and so estimate the injury sustained as aforesaid, or the value of the lands so taken as aforesaid, and report thereupon to the said court without delay, and on such report being confirmed by the said court, the said President, Directors and Company, shall pay to the said owners respectively, the sum mentioned in such report, in full compensation for the said lands or for the injury done as the case may be, and upon such payment being made, the said President and Directors and Company, shall be and become seized in fee, of all such lands and tenements as they shall have taken possession of, appropriated & paid for, as aforesaid; and they, and all those who may have acted under them, shall be acquitted and exonerated of and from all claim and demand on account of such injury or damage.

Sec. 8. Whenever the said canal shall cross any public or private laid out road or highway, or shall so divide the grounds of any person as to require a bridge across the same, the referees who shall be appointed to enquire of the damages as aforesaid, shall ascertain and report whether a bridge shall or ought to be constructed across the same, and in case the said referees shall report that such bridge is necessary, then the said directors shall cause a bridge fit for the passage of carts and waggons to be erected and forever hereafter to be kept in repair at every such place so ascertained and reported by the said referees as aforesaid, at the cost and charges of the said company; but nothing herein contained shall prevent any person from erecting and keeping in repair, at his or her own expense, any foot or other bridge across the said canal on his or her own land, provided the same be of such height above the water as shall be usual in the

Value of
lands how as-
certained, in
case of disa-
greement.

Bridges to be
erected and
kept in re-
pair.

bridges erected by the company, and shall not interfere with any lock or other building, or with the passage of boats, vessels, rafts, or works of the company.

May contract
for cutting
canal.

Sec. 9. The said President and Directors, and their successors, shall have full power to contract and agree with any person, on behalf of the said company, to cut such canal from such place above to such place below the rapids, on the north west side of the river Ohio, and to erect such locks and perform such other works as they shall deem necessary for improving and extending the navigation of the said river, and for the other purposes authorised by this law, and for repairing and keeping in order the said canal, locks and other works.

May receive
donations &
voluntary
subscriptions

Sec. 10. It shall be lawful for the said Company to receive from the United States, or from any state, or from any body corporate, donations of lands, money or other chattels, for the use of the said Company, and for the same use to receive voluntary subscriptions from any individuals who may be disposed to promote the purposes of this act, and to ask, demand, sue for and recover, of such subscribers, their heirs, executors or administrators, the sums so subscribed as aforesaid.

Capital stock
may be in-
creased.

Sec. 11. If at any time it shall, in the opinion of the said Company, become necessary, in order to effect the purposes of this act, it shall and may be lawful for the President and Directors thereof, to petition the General Assembly to that effect, who shall be and they are hereby empowered to increase the capital stock, should they deem the same expedient, any number of shares not exceeding twenty thousand; and the said shares so added, shall be disposed of at such times and places and in such manner as the President and Directors, for the time being, may direct: *Provided* however, that nothing herein contained shall be so construed as to prevent any future legisla-

ture from increasing the capital stock of said company, to be subscribed for by the state, any number of shares not exceeding one fourth of the whole amount of the capital stock of said company.

Sec. 12. It shall and may be lawful for the commissioners, appointed by this act, to demand and receive from each subscriber, two dollars on each share at the time of subscribing, and three dollars on each share shall be paid to the said commissioners, on or before the first election for Directors, and any subscriber failing to pay the said sum of three dollars on each share as aforesaid, shall forfeit to the Company the first payment made thereon; and the President and Directors shall have power to call on such subscribers for such sums and at such times as they shall think fit, under the pains of forfeiture of all sums previously paid until the sum of ten dollars shall have been paid on each share; after which a non-payment of any requisition, made by the President and Directors, shall incur a forfeiture of all dividends and a right to vote.

Forfeiture on
failing to pay
installments.

Sec. 13. In consideration of the expenses incurred by said Company, in opening and completing the said canal, and in keeping the works in repair, and in effecting the objects authorised by this act, the said canal and works and other property, which the said company shall acquire, with all their profits and appurtenances, shall be and the same are hereby vested in the said Company and their successors or assigns forever, subject to the provisions and limitations in this act contained: and the said canal and the water works thereon or adjoining thereunto, shall be exempt from the payment of any tax, imposition or assessment whatsoever, until the works shall be in full and complete operation. And the shares in the stock of the said Company, shall be deemed and are hereby declared to be personal and not real estate, and the same

Property, in
whom vested

Exempt from
taxation until
completed.

The same may be transferred on the books of the said Company only, all arrearages due the said Company having been first paid and assigned so as to convey the absolute property thereof, in such manner and form as the said President and Directors may have prescribed, or shall prescribe, by bye laws made for that purpose.

Rate of toll.

Sec. 14. It shall and may be lawful for the said President and Directors, at all times forever hereafter, subject to the limitations herein contained, to demand and receive for all boats, vessels and rafts, conveyed through the said canal, or any part thereof, a reasonable toll, to be regulated from time to time by the said President and Directors at their discretion; provided the toll so to be charged and demanded for boats and vessels ascending the river shall not exceed the rate of two dollars per ton for the load which such boat or vessel shall actually carry, and twelve and a half cents per ton for the boat or vessel, to be estimated according to the capacity of such boat or vessel, and having reference to the load which the same could reasonably carry; and for all boats, vessels and rafts descending the river, one half the amount aforesaid. And the collector of toll, duly appointed by the President and Directors of the said corporation, may stop and detain boats, vessels and rafts, using the canal, until the owner, commander, or supercargo of the same, shall pay the toll so as aforesaid fixed and demanded, or may distrain part of the cargo, sufficient by the appraisement of two disinterested persons to satisfy the same, which distress shall be kept by the collector of the toll for the space of eight days, and afterwards, in case the said toll shall not have been paid, it shall be sold by public vendue in any public place in the neighborhood to the highest bidder, in the same manner as goods distrained for rent are by law directed to

May distrain therefor.

be sold, rendering the surplus, if any there be, to the owner on demand, after payment of the toll and costs of distress and sale: *Provided however*, That the legislature shall have a right at any time, to regulate the toll, provided they do not reduce it below fifteen per centum per annum on the amount of the capital stock actually expended in the erection and keeping in repair said canal.

Sec. 15. And the state of Indiana shall at all times have the right to visit and examine into the affairs, books, papers, proceedings, works, transactions and concerns of the said company, in such manner and by and through such person or persons as the general assembly may from time to time direct; and the said Company shall be bound to lay before the said general assembly a complete statement and view of all their books, papers, concerns, transactions, works and proceedings whenever they are thereto required by the said general assembly, and in such manner as shall be directed and pointed out.

Books, &c. subject to the inspection of the general assembly,

Sec. 16. It shall and may be lawful for the President and Directors of the said Company, to raise by lottery, a sum not exceeding one hundred thousand dollars, and the money so raised, (after defraying all the necessary expenses) shall be divided into two equal moieties, and one moiety shall go to the use of the state of Indiana, and be by the said state applied to the purchasing of stock in the said Jeffersonville Ohio Canal Company for the said state, and the other moiety shall be laid out by the said Company towards the completing said canal: *Provided*. The said President and Directors or a majority of them shall, before the sale or disposal of any ticket or tickets in said lottery, give their joint bond, payable to the Governor of this state and his successors in office, to be filed in the secretary's office, in the penal sum of two hundred thousand dollars, conditioned that they will

Lottery.

Money arising therefrom, how appropriated.

well and truly, within six months after drawing such lottery, pay out all prizes, and to the state her moiety, and also, that they will well and faithfully draw, pay over and perform all things necessary to carry the same into effect according to the true intent and meaning of this act; which lottery may be drawn in one or more classes according to such scheme as may be deemed most conducive to the advantage and convenience of the said lottery and company.

Sec. 17. In case the said company shall not begin the said canal within two years after the passage of this act, and give to the general assembly satisfactory evidence of their intention and ability to prosecute and complete the same, or in case they shall not, on or before the first day of December, which will be in the year eighteen hundred and twenty four, so far complete the said canal as to admit of the passage of boats drawing not more than three feet water, then and in either of those cases all the preferences, privileges and powers given and granted by this act, shall thenceforth cease, determine and be absolutely void.

Sec. 18. The corporation by this act declared and established, and the powers and privileges given to the same, shall cease and be at an end on the first day of January, in the year eighteen hundred and ninety nine, except so far as may be necessary for settling and closing the accounts of the corporation; but the said canal and the buildings and works erected thereon, or on the waters taken therefrom, shall remain to the said Company, their heirs and successors forever.

Sec. 19. Nothing in this act shall be so construed as to permit the said Company to build or erect any mills, machinery or other water works on or contiguous to the said canal, until they have finished and completed said canal in a complete manner for the passage of

What shall be deemed a forfeiture of the charter.

Limitation of the charter.

Canal to be completed previous to the erection of machinery

vessels, agreeably to the true intent and meaning of this act.

Sec. 20. Books of subscription for the capital stock of said company, shall be opened at such times and places as the President and Directors may deem expedient.

Books, when to be opened.

The act, entitled "An act incorporating the Ohio Canal Company," be, and the same is hereby repealed. And this act shall be in force from and after its passage.

CHAPTER XXVIII.

AN ACT fixing the salaries of certain officers, and for other purposes.

APPROVED—January 28, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, That the Governor shall be allowed the annual salary of one thousand dollars, to be paid quarterly; the Judges of the Supreme Court shall be allowed the annual salary of seven hundred dollars each, to be paid quarterly; the Presidents of the Circuit Courts shall be allowed the annual salary of seven hundred dollars each, payable quarterly.*

Sec. 2. *Each member of the General Assembly, with the President of the Senate and Speaker of the House of Representatives, until otherwise directed by law, shall be entitled to, and allowed for each and every day's attendance, the sum of two dollars, and the sum of two dollars for every twenty five miles travelling to and from the seat of government, the most usual road; the Secretary of the Senate and the Clerk of the House of Representatives shall be allowed the sum of three dollars and fifty cents each per day for their services, and their assistants, each three dollars*

per day for their services; and the door-keeper of the Senate and of the House of Representatives shall be each allowed the sum of two dollars per day for their services; the revising Clerks employed by the committee of revision shall each be allowed three dollars per day, for the time they were employed.

Sec. 3. The compensation which shall be due to the members, secretaries and door-keeper of the Senate, shall be certified by the President thereof; and that which shall be due to the members, clerks and door-keeper of the House of Representatives, shall be certified by the Speaker of the House of Representatives. The President of the Senate shall certify the time the revising clerks were employed, and the amount to each of them due respectively.

Sec. 4. It shall be the duty of the auditor of public accounts to audit the several claims by this act allowed, which shall be paid out of the state treasury as other audited claims are.

Sec. 5. This act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT relinquishing the shares reserved for the State, in the charter incorporating the Farmers' and Mechanic's Bank of Indiana.

APPROVED—December 31, 1817.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the two thousand five hundred shares reserved for the state in the charter granted by the legislature of the late Territory of Indiana, incorporating the Farmers' and Mechanics' Bank of Indiana, to be subscribed for by the Governor, for the benefit of the state, be, and the same*

are hereby relinquished, to any individual or individuals, bodies corporate or politic, who shall or may wish to subscribe for the same, under the direction of the President and Directors of the said bank, according to the provisions of their said charter and the bye laws of said institution, which are, or hereafter may be lawfully adopted; except that one thousand of the said shares, hereby relinquished, shall be offered for sale, and may be subscribed for, at the Office of Discount and Deposit of the said Farmers' and Mechanic's Bank at Lawrenceburgh, subject to and under the direction of the President and Directors thereof, or their agents duly authorised, in such manner as shall be consistent with the provisions of the charter of said bank, the laws of the state, and the constitution thereof; *Provided however*, that nothing herein contained shall be so construed as to prevent any future Legislature from increasing the capital stock of the said Bank, any number of shares for the benefit of the State, to be subscribed for in such manner and at such time and places, not incompatible with the original charter, as the Legislature shall or may deem expedient and best calculated to promote the interest of the state and the said institution.

SEC. 2. This act shall be and the same is hereby made a part of the original charter, and shall be in force from and after its publication.

CHAPTER XXX.

AN ACT adopting the Bank of Vincennes as the State Bank of Indiana, and for other purposes.

APPROVED—January 1, 1817.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the bank*

Adopted &
styled the
state bank.

of Vincennes, established at Vincennes by an act of the legislature of the Indiana Territory, approved the tenth day of September, eighteen hundred and fourteen, entitled, "an act to incorporate the President, Directors and Company of the Bank of Vincennes," be and the same is hereby adopted as the State Bank of Indiana, until the first day of October, in the year of our lord one thousand eight hundred and thirty five, and no longer, by authority of the constitution in such case made and provided, and as such state bank shall be styled and known, until the year last aforesaid.

Capital stock,
reservation
to the state.

Sec. 2. The capital stock of the said bank shall be, and the same is hereby enlarged and extended by an additional capital of one million of dollars, divided into ten thousand shares of one hundred dollars each, of which three thousand seven hundred and fifty shares, amounting to three hundred and seventy five thousand dollars, are hereby reserved for the state, to be subscribed for from time to time by the Governor thereof as it shall be found convenient, having due regard to the funds out of which such shares shall be payable; and the remaining six thousand two hundred and fifty shares may be subscribed for by individuals, companies or bodies corporate, in the manner hereinafter specified.

Subscrip-
tions when &
where to be
opened and
returned to
the bank.

Sec. 3. Subscriptions towards constituting such additional bank stock for three thousand shares, shall be opened on the first day of April next, as follows, to wit: at Centerville, in the county of Wayne, for two hundred shares, under the direction of James Pegg, Aaron Martin and John Sprow; at Brookville, in the county of Franklin, for three hundred and fifty shares, under the direction of William H. Eads, Robert John, and John Jacobs; at Lawrenceburgh, in the county of Dearborn, for three hundred and fifty shares, under the direction of Isaac Dunn, John Gray and David Rees; at Vevay, in the county of

Switzerland, for two hundred shares, under the direction of John Gilliland, Lawrence Nichol and Daniel Dufour; at Madison, in the county of Jefferson, for three hundred shares, under the direction of David H. Maxwell, John Sering and Alexander A. Meek; at Charlestown, in the county of Clark, for three hundred and fifty shares, under the direction of James Scott, Evan Shelby and A. P. Hay; at Brownstown, in the county of Jackson, for one hundred shares, under the direction of John Ketchum, Alexander C. Craig and John McCormick, sen.; at Paoli, in the county of Orange, for one hundred shares, under the direction of John G. Claudennin, William Lindley, sen. and Thomas Fulton; at Salem, in the county of Washington, for three hundred shares, under the direction of Marston G. Clarke, Jonathan Lyon and Samuel Craig; at Corydon, in the county of Harrison, for three hundred and fifty shares, under the direction of Allen D. Thom, David Craig and Milo R. Davis; at Troy, in the county of Perry, for one hundred shares, under the direction of John Stephenson, Solomon Lamb and Thomas Morton; at Darlington, in the county of Warrick, for one hundred shares, under the direction of Daniel Grass, Hugh McGary and Ratcliff Boon; at _____ in the county of Posey, for one hundred shares, under the direction of Frederick Rapp, Thomas E. Castlebury and Thomas Givens; at Princeton, in the county of Gibson, for one hundred shares under the direction of William Prince, Robert M. Evans and James Jones: and in each and every county, organized at the present session of the General Assembly, or which may at any time hereafter be organised, subscriptions shall be opened at the seat of justice in every such county, for any number of shares not exceeding one hundred, at such times and in such manner as the General Assembly may direct; which subscriptions shall be made un-

der the same rules, regulations and restrictions, as are prescribed in the act of incorporation aforesaid, for the subscriptions to the original stock, and shall continue open for the space of sixty days, unless sooner filled; and such shares as shall be unsubscribed for at the expiration of that time shall be returned to the bank.

Sec. 4. The three thousand two hundred and fifty remaining shares, and returned and forfeited shares, shall be subscribed for in such manner and at such times as the president, directors and company of the said bank shall direct and appoint, by and with the advice and consent of the Governor of the state.

Sec. 5. The subscribers to the said additional stock hereby granted to the bank aforesaid, their successors and assigns, shall be and they are hereby made a constituent part of the corporation and body politic, created by the act of the territorial legislature aforesaid, under the name and style of the president, directors and company of the bank of Vincennes, confirmed in their charter by the constitution of the state, and by authority thereof, hereby adopted as the state bank of Indiana; and as such constituent part of the said corporation and body politic shall be entitled to the same rights and privileges, and subject to the same rules and regulations.

Sec. 6. It shall be lawful for the directors of the said state bank to organize offices at such places within this state as they may select, for the purpose of discount and deposit, upon the same terms and in the same manner as shall be practised at the mother bank, and to commit the management of the said offices and making of the said discounts to eleven directors for each branch bank, who shall continue in office until others are appointed in their place by the directors of the state bank, and shall be stockholders and subscribers within the three counties for which the branch may be es-

Remaining, returned and forfeited shares how subscribed for.

Subscribers to additional stock part of the corporation.

Directors to organize offices of discount and deposit.

Eleven directors for each branch one of whom to be president.

tablished, one of whom shall be the president of such branch, and the same number shall form a quorum as at the mother bank, who, together with the officers appointed by the said directors of the mother bank for transacting the business at the branches, shall be under such agreements and subject to such regulations as the said directors of the state bank may deem proper, not being contrary to law, or the constitution of the bank; and such offices when so organized, shall be, and the same are hereby established as branches of the said state bank: *Provided* there shall not be established more than one branch for any three counties, nor in more places than the capital of the state bank will authorize, unless there shall be subscribed to the said state bank, and paid in specie on the part of individuals, a sum equal to thirty thousand dollars. And the capital stock employed at such branch shall be at least equal to the amount subscribed in the said three counties, and actually paid on the part of individuals, if so much capital can be there advantageously employed.

Sec. 7. Whenever the Farmers' and Mechanics' bank of Indiana at Madison, agree to have their corporation dissolved, and become a branch of the state bank aforesaid, and such agreement is officially made known to the directors of the state bank, the said directors shall immediately proceed, at the request of the said Farmers' and Mechanics' bank, to organize an office at Madison aforesaid, for the purpose of discount and deposit, and upon the same terms, and in the same manner as shall be practised at the bank, and commit the management of the said office, and making of the said discounts to such directors and officers, under such agreements, and subject to such regulations as at other branches; and such office when so organized, shall be, and the same is hereby established as a branch of the said state bank. And the general assembly at their

proviso:

Farmers' and Mechanics' bank becoming a branch, under what conditions & regulations.

next session after the organization of such branch at Madison, may by and with the consent of said corporation at Madison, declare such corporation dissolved, except so far as may be necessary for the purpose of faithfully and finally adjusting and closing the business of the corporation, which might be unsettled at the time of the dissolution aforesaid. The capital of the said branch bank at Madison, when organized and established as aforesaid, shall be at least equal to the amount subscribed in three counties, of which Jefferson shall be one, to the state bank, and actually paid on the part of individuals, if so much capital can be there advantageously employed.

State sub-
scriptions
how paid.

Sec. 8. When the governor shall subscribe for any shares in pursuance of this act, he shall certify the same to the auditor, who shall accordingly issue his warrant or warrants on the treasure in favor of the bank, for any monies due by such subscription, which shall be payable out of such fund or funds as shall by law be set apart for that purpose.

Three direc-
tors on the
part of the
state shall be
annually elec-
ted.

Sec. 9. For the correct management of the affairs of the said state bank, in addition to the directors now provided for the government thereof, there shall be three additional directors on the part of the state to be elected annually by joint ballot of both houses of the general assembly, who shall continue in office for one year, and until others shall be elected as aforesaid to supply their place: *provided*, That not more than one of whom shall reside in any one senatorial district. And for every hundred thousand dollars subscribed for stock on the part of the state, the general assembly shall elect one director in addition to those previously elected as aforesaid, who shall continue in office one year, and until the general assembly shall elect others in their place: *Provided however*, That the whole number of directors of the said state bank shall never exceed fifteen, nor shall any more than five of

proviso.

proviso.

such directors ever be elected on behalf of the state.

Sec. 10. The Governor of the state shall be furnished from time to time as often as he may require it, not exceeding once a month with statements of the amount of the capital stock of the said bank, and the debts due the same, of the moneys deposited therein, of the notes in circulation and of the cash on hand; and shall have a right to inspect such general accounts in the books of the said bank as shall relate to the said statements. And the general assembly shall also be furnished annually with like statements of the situation of the bank and its branches during their session, if they require it: *provided*. That this shall not be so construed as to imply a right of inspecting the accounts of any individual or individuals, co-partnership, or body corporate or politic, with the bank.

Governor
may require
statements of
capital, debts
due, &c.

G. A. to be
furnished
with state-
ments sever-
ally.

Sec. 11. The president, directors and company of the said bank, and adopted as the state bank aforesaid, shall, and they are hereby required to loan to the state at an interest of six per centum per annum payable annually, any sum of money in specie or bank notes on chartered banks current and at par throughout the state, not exceeding fifty thousand dollars, for any length of time not exceeding five years, whenever, during the existence of their charter, such loan may be authorised by law.

president and
directors
shall loan to
the state.

Sec. 12. The state, and individuals who may have subscribed to said corporation, shall be entitled to dividends in proportion to the monies actually paid to said bank by them respectively.

State & indi-
vidual sub-
scribers enti-
tled to divi-
dends.

Sec. 13. No director of any branch of said state bank shall have on loan at any one time, more than the sum of five thousand dollars, nor shall he be an endorser at any one time for a greater amount than ten thousand dollars, unless previously authorised by a law of the state.

directors lim-
ited as to
loans and en-
dorsements.

When totake
effect.

proviso.

Sec. 14. This act shall take effect on the tenth day of March next; *provided*, that consent on the part of the said corporation at Vincennes to the same shall be duly and legally made in writing to the satisfaction of the Governor, at or before that time, and recorded in the office of the secretary of state.

CHAPTER XXXI.

AN ACT concerning the Auditor of Public Accounts and the Treasurer of the State.

APPROVED—December 11, 1816.

Auditor to
give bond.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the auditor of public accounts, previously to his entering on the duties of his office, shall give bond with such security as shall be approved of by the Governor, in the penal sum of ten thousand dollars, payable to the Governor and his successors in office, in trust for the benefit of the state; conditioned for the true and faithful performance of the duties enjoined and required by law to be performed by such auditor, and for the safe delivery to his successor, of all books, vouchers and other effects belonging to his office; the execution of which bond, being duly acknowledged before some person authorised to take the acknowledgment of deeds, shall be deposited by the Governor in the office of the secretary of state and there recorded.

Sec. 2. The former treasurer in office under the territorial government, and every person or persons whatever, having in his or their possession, any of the public books or papers, accounts or vouchers, belonging or appertaining to the office of auditor or treasurer, are hereby authorised and required to deliver the

same to the auditor of this state, who is hereby authorized to receive the same: and if any such person or persons aforesaid, shall refuse or neglect within fifteen days after demand made by the said auditor, to deliver up to him on oath all and every, the books, papers, accounts or vouchers aforesaid, and all and every such person or persons so offending shall forfeit and pay any sum not exceeding five hundred dollars, to the use of the state, to be recovered by motion of the auditor or by indictment, in any court of record of competent jurisdiction; and the said auditor shall on demand deliver over to the treasurer of the state, who is hereby authorised to receive the same, all books, papers, accounts and vouchers, which may come into his possession by the authority aforesaid, and which belong or appertain to the treasury department.

SEC. 3. The said auditor shall keep all accounts that may arise between this state and any other state or territory, and with the United States, or any individual, and shall keep fair, distinct and clear accounts of all the revenues and expenditures of the state of every kind and nature whatever: all accounts between this state and the officers of government entitled to receive from the treasury salaries or wages fixed by law: all accounts of members of the general assembly, and of any person or persons having demands for money from the treasury, shall be rendered into the office of the said auditor, where they shall, without delay, be liquidated, adjusted and settled; and upon settlement of any such account the said auditor shall, by warrant drawn on the treasurer of the state, direct the payment of the amount due to the party entitled to receive the same, and having entered such warrant in his books and filed and deposited the accounts and vouchers in his office, he shall deliver the warrant to the party in whose favor it is drawn: *Provided however*, That the

Transfer of
books & pa-
pers in the
hands of the
former treas-
urer.

Duties of the
auditor.

auditor shall audit no account nor give any certificate or warrant which would enable any person to receive any money unless in cases particularly authorised by law.

His further
duties.

Sec. 4. The said auditor shall liquidate, adjust and settle the accounts of all public debtors, and of all collectors of any revenue or tax levied by act of the general assembly, and payable in the treasury, or of any money due to the public, and shall call upon such debtors or their representatives to render accounts at proper times, and discharge such balance as may be found due to the state, and upon their failure so to do, the said auditor shall take the most effectual steps for the speedy recovery of the same, and though it should appear on trial that the defendant oweth no balance to the public, yet his having failed to render an account to the auditor, and to take from him his receipt, shall subject him to the payment of all costs incurred by such proceedings to the state.

His further
duties.

Sec. 5. The said auditor shall keep a book in which shall be entered every warrant he draws on the treasurer, in the order he issues them, in such manner as to shew the date, the name of the person in whose favor drawn, and the nature of the claim upon which it is founded, and shall carry such entry into a book of general accounts, under separate and distinct heads. He shall furnish the general assembly, annually, during the first week of their session, and as often as they may require, a statement or abstract of the public accounts generally, together with an account of all balances due to and from the state; and the books, papers and transactions of his office, shall be open at all times to the inspection of a committee of the general assembly or either branch thereof, and also to the inspection of the Governor.

Sec. 6. Be it further enacted, That the treasurer of the state shall not be capable of exe-

cuting the duties of his office until he hath given bond with such security as shall be approved of by the Governor, in the penal sum of thirty thousand dollars, payable to the Governor and his successors in office, in trust, for the use of the state, conditioned for the faithful accounting for, and paying all such sums of money as shall be received by him from time to time, and for the faithful performance of all other duties enjoined and required by law to be performed by such treasurer, and for the safe delivery to his successor, of all books, vouchers, monies and other effects belonging to his office; which bond shall be executed, acknowledged and recorded, in the same manner as is prescribed in the first section of this act, for the execution, acknowledgment and recording of the bond to be given by the auditor.

Treasurer to
give bond.

Sec. 7. The said treasurer is hereby authorised and required to receive of the several collectors of the public revenue, all taxes arising on lands or other property, and all other public money payable into the treasury by virtue of any act or acts of the general assembly. And it shall not be lawful for the treasurer to pay or receive any money on account of the public, but on warrant or certificate of the auditor, except the auditor's salary.

To receive
taxes, &c.

Sec. 8. The treasurer shall keep in books provided for that purpose, correct accounts of the money received by him from time to time, on the respective taxes and impositions, or from any other source, by virtue of any act or acts of assembly; also correct accounts of all such sum or sums of money as he shall pay out of the treasury pursuant to such act or acts; which accounts shall be so kept that the nett produce of the several and respective taxes and impositions received in, and the money paid out of the treasury for every particular service may appear separate and distinct from each other, and a full statement thereof shall by the treasurer be laid before the general as-

His further
duties.

sembly annually, during the first week of their session, and as often as they may require the same; and the books, papers and transactions of his office, shall be at all times open for the inspection of a committee of the general assembly, or of either branch thereof, and also to the inspection of the Governor.

Further duty. Sec. 9. When any public debtor shall hereafter pay any sum or sums of money in the public treasury, the treasurer on receiving the same shall forthwith make out a receipt for the amount, and carry the same to the auditor, who is hereby authorised and required immediately to give to the treasurer his receipt therefor, and the treasurer shall deliver the said receipt to the person who shall have paid him the money therein specified.

Sec. 10. The treasurer shall make out an account of all his payments, and of the warrants on which such payments were made, and shall deliver the same monthly to the auditor; and a list of such payments and warrants shall be made out by the auditor in a book kept for that purpose.

Penalty for malfeasance in office.

Sec. 11. If the treasurer shall divert or misapply any of the money paid into the treasury for public use, contrary to any act or acts of assembly, by virtue of which the same was raised or appropriated, the said treasurer, for such offence shall forfeit his office, and be incapable of holding any office of trust or profit whatever, under the state, and moreover be liable to pay double the amount so misapplied, to be recovered for the public use, by indictment, in any court of record of competent jurisdiction.

Treasurer's books to be inspected.

Sec. 12. There shall be a committee appointed by the general assembly annually, to examine into the state of the offices of the treasurer and auditor: the said treasurer is hereby required to lay before such committee all the accounts and vouchers of the treasury for

money received or paid out for any purpose whatever, and produce the money in his hands, and the committee shall make a fair statement of all monies received and paid out of the treasury and for what purposes, and of the money on hand, and report the same to the assembly, who shall cause such statement of the receipts and expenditures of the public money to be attached to and published with the laws at every annual session of the general assembly. If the said committee should discover that any money paid into the treasury had been applied to any use not warranted by law, they shall report the same to the general assembly. It shall be the duty of the said committee in their examination of the auditor's books and papers, to mark without defacing, all the treasurer's receipts which may be the foundation of a charge against him in such of the auditor's accounts as the said committee shall examine, in such manner as shall shew that the said receipts had been examined by the committee.

SEC. 13. The salary of the auditor of public accounts shall be four hundred dollars per annum, payable in quarterly payments by warrant drawn on the treasurer by the Governor for that purpose; and the salary of the treasurer of the state shall be four hundred dollars per annum, payable in quarterly payments, by warrant drawn in his favour for that purpose by the auditor; which salaries shall commence immediately upon their giving such security as prescribed by this act, and taking such oath or affirmation as required by the constitution of this state.

Salary of auditor, & treasurer.

This act to take effect from and after its passage.

CHAPTER XXXII.

AN ACT concerning the Secretary of State.

APPROVED—December 11, 1816.

Additional duties of the secretary of state.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the secretary of state, in addition to the duties enjoined on him by the constitution, shall affix the seal of the state to all public instruments, to which the Governor's signature now is, or hereafter may be required by law.

Shall take & record certain bonds.

Sec. 2. All obligations which now are, or hereafter shall be by law required to be given to this state, or to the Governor thereof, for the faithful discharge of any office, commission or public trust, and the sureties therein to be approved of by the Governor, except in cases otherwise provided for by law, shall be taken by the secretary, for the uses and purposes therein respectively expressed, and recorded in his office; and copies of such obligations duly authenticated under the seal of such office, shall be admitted as legal evidence in any suit or suits; that may or shall be brought against the obligors or their sureties.

Shall receive and preserve public documents.

Sec. 3. The said secretary of state shall be, and he hereby is authorised and required to receive from the former secretary of the Indiana territory, all books, papers, vouchers and documents, belonging to the office of the said territorial secretary, and safely deposit the same in his office, at the seat of government. He shall keep and preserve all acts passed by the general assembly, and shall permit the books, papers and accounts belonging to his office, to be at all times open to the inspection and examination of committees of each branch of the general assembly, and shall furnish such copies or abstracts therefrom, as may from time to time be required.

Sec. 4. The secretary shall give bond to the Governor and his successors in office, for

the use of the state, in the penal sum of two thousand dollars, with sufficient security, to be approved of by the Governor; conditioned for due and faithful performance of the several trusts to him committed; which bond shall be duly acknowledged and deposited by the Governor, in the recorder's office of the county in which the seat of government is fixed, and there recorded, and a copy of such obligation from the records of said recorder's office, shall be admitted as legal evidence in any suit or suits, that may or shall be brought against such secretary or his sureties.

To give bond

Sec. 5. The salary of the secretary of state shall be four hundred dollars per annum, payable in quarterly payments, by warrant drawn on the treasurer, by the auditor for that purpose.

This act to take effect from and after its passage.

CHAPTER XXXIII.

AN ACT to regulate the practice of Physic and Surgery.

APPROVED—December 24, 1816.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana,* That for the purpose of regulating the practice of physic and surgery in this state, each circuit as laid off for holding circuit courts, shall compose one medical district, to be known as first, second or third medical district in the state of Indiana, according to the name of the circuit.

Medical districts established.

Sec. 2. In each medical district, there shall be a board of medical censors, to be organized in the following manner, viz: Doctors Elias M'Namee, Jacob Kuykendall, David M. Hale, Thomas Polke and Joel F. Casey are hereby declared to be, and compose the first

Medical censors.

For the 1st district. board of medical censors, in and for the first medical district of the state of Indiana: Doctors Bradley, "of Salem," P. R. Allen, Andrew P. Hay, James B. Slaughter and Samuel Meriwether, shall be and constitute the first board of medical censors, in and for the second medical district: and Doctors Jabez Percival, D. F. Sacket, D. Oliver, John Howes and Ezra Ferris, shall be and constitute the first board of medical censors in and for the third medical district. The medical censors of the first medical district are authorized and required to meet at the house of Peter Jones in the town of Vincennes, on the first Monday of June, in the year eighteen hundred and seventeen, and the medical censors of the second medical district, are authorized and required to meet at the court house in the town of Salem, on the first Monday of June, eighteen hundred and seventeen; and the medical censors of the third medical district, are authorized and required to meet at the house of Walter Armstrong in the town of Lawrenceburg, on the first Monday of June; in the year eighteen hundred and seventeen, for the purpose of examining and licensing physicians to practice in this state.

When they shall meet & where.

Censors shall give notice of the time and place of their meeting.

SEC. 3. The medical censors of each medical district, or a majority in each district having assembled in conformity to the preceding section, may, and they are hereby required to give notice by a written communication to the practising physicians in their respective districts, that they are appointed a board of medical censors for their respective districts, and that on a day and place certain, to be designated by the censors of each district; there will be a meeting of the licenced physicians in their respective districts, to organize the medical society of the state of Indiana: and that in the meanwhile, they will in conformity to the provisions of this act, on application, examine

and licence to practice medicine, such as may apply to them and be judged qualified.

Sec. 4. The first board of medical censors in each medical district, or a majority of them, shall grant licence. &c. when assembled agreeably to the second section of this act, and until they shall be superseded in office, are, and shall be authorised to examine, and licence to practice medicine in this state, all who, on application, may be by them thought worthy of this important trust.

Sec. 5. In each medical district, the censors and licenced physicians of such district, having assembled in conformity to the provisions of this act, at the time and place mentioned and designated by the respective board of censors, may then, and from time to time thereafter, elect their own president, secretary and medical censors; and being thus organized, shall from thenceforward, be known in law and in equity, as a body corporate and politic, by the name and style of the board of physicians of the medical district of Indiana, and as such, may sue and be sued, plead and be impleaded, answer and be answered unto, and do and transact such business as they may be authorised by law, in their corporate capacity.

When organised, shall be considered a body politic & corporate.

SEC. 6. Should the medical censors or a majority of them, of either medical district, as provided for in this act, refuse or neglect to comply with the requisitions and duties prescribed them by this act by the first day of October next, then, and in that case, it shall and may be lawful for the practising physicians of such medical district on that day to assemble themselves in their respective districts, at the place or places mentioned in the second section of this act; any five of whom having met in such district, may proceed to choose their own president, secretary and medical censors; and shall thenceforward be known in law and in equity, as a body politic and corporate, with the same powers and privileges, as if the same

The censors failing or refusing to act practising physicians may form a board.

had been formed by the medical censors and licenced physicians of such district as mentioned in the preceding section.

Censors may make their own bye-laws

SEC. 7 The board of physicians of each medical district shall have power to make their own bye-laws, not inconsistent with the laws and constitution of this state, and for that purpose may after being organized, at their first meeting, adjourn to any other time and place they may think proper, *provided*, they shall meet in their own district, and shall not adjourn to more distant time than six months after any meeting, at which such adjournment is made.

Requisite qualifications of applicants

SEC. 8. It shall be the duty of the board of physicians of each medical district to admit to membership every physician or surgeon residing or wishing to practice in such district, who shall on examination before them, give proof of their qualification to practice in either of such professions, and reasonable evidence of their moral character; also to expel any member, who may be guilty of intemperance or immorality, on the same being duly proven before them.

Expences of the board how defrayed

SEC. 9. Each board shall publish their meetings a sufficient time beforehand, so that the time and place thereof may be generally known, and for the purpose of defraying the expenses thereof, and such other expenses as may be necessary in carrying into effect the provisions of this act, they may demand of each member on admittance any sum not exceeding five dollars, and a sum of each of the members of the society, not exceeding five dollars annually thereafter.

Permit may be granted to practice during vacation.

SEC. 10. No person who is not a member of the board of one of the medical districts of this state, shall have the benefit of the law for collecting his charges for professional services rendered by him after such board is organized: *Provided however*, Any person obtaining a permit to practice from any two of

said board shall be considered as a member til their next meeting, and any person a member of any medical society and living in an adjoining state shall be entitled to all the privileges of a member of the board of physicians in this state.

SEC. 11. Each board of physicians shall forward to the president of the senate of this state at their next session, a copy of their bye laws and rules, established according to the provisions of this act, at which time the general assembly shall reserve to themselves the privilege of making such further regulations as they may think proper.

SEC. 12. It shall not be lawful for any physician or surgeon to charge or receive more than twelve and a half per mile for every mile he shall travel in going to and returning home from the place of residence (for the time being) of his patient, with an addition of a hundred per centum for travelling in the night. Nothing in this act shall prevent a future general assembly from making any alterations therein or from repealing it if they deem it expedient, neither shall any provision in this act prevent any person or persons of regular and respectable standing in the profession of physic and surgery in a neighboring state or territory from practising in this state.

Copy of their bye laws to be forwarded to the president of the senate.

Allowance for mileage.

proviso.

CHAPTER XXXIV.

AN ACT providing for the public printing and for other purposes.

APPROVED—December 30, 1816.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the secretary of state, auditor, and treasurer of state, or a majority of them are hereby authorised

Duty of secretary, auditor and treasurer,

and directed to make and close, on behalf of the state of Indiana, a contract or contracts with one or more printer or printers in this state, sixty days previous to every succeeding session of the general assembly thereof, upon the most advantageous terms, (taking into view the price, manner and time of performing the work) for all public printing that may be required for that session, by entering into an article or articles, with the said printer or printers, and his or their security or securities, setting forth explicitly the manner in which the public printing shall be executed, and the said printer or printers shall be subject to the payment of all damages sustained by the public in case of non-compliance on the part of such printer or printers with the terms of his or their contract; and the treasurer is hereby authorised and required to commence and prosecute as action or actions, on such article or articles in any court having competent jurisdiction: and the auditor is hereby authorised to issue in advance a warrant or warrants in favor of such printer or printers, payable at the state treasury, out of any money in the treasury appropriated for that purpose, for one half of the supposed amount of such public printing provided the secretary of state, auditor and treasurer aforesaid may think the same expedient.

Printers may be sued for failure.

An advance of one half may be made.

Notice public to be given.

Duty of secretary of state.

SEC. 2. The said secretary, treasurer and auditor of state, shall previous to entering into any contract for printing, give two months public notice in two newspapers, one of which shall be at the seat of government, that they will receive proposals from all such printers as may choose to apply, "the same being a citizen or citizens of the state of Indiana" therefor.

SEC. 3. The secretary of state shall, within three days after the commencement of each session of the general assembly, report to each branch thereof all contracts had pursuant to

the provisions of this act since the last session.

SEC. 4. The said secretary, treasurer and auditor shall, sixty days previous to every session of the general assembly, make and close on the part of the state of Indiana, a contract or contracts with some person or persons to furnish both houses of the general assembly, with firewood or other fuel and stationery, upon the most advantageous terms that the nature of the case will admit.

Further powers & duties of secretary, auditor and treasurer of state.

SEC. 5. The contractor or contractors for furnishing fire wood or other fuel and stationery, agreeable to the foregoing section, shall enter into bond with sufficient security, executed to the treasurer of this state to the satisfaction of the secretary, treasurer and auditor, conditioned for the faithful performance of the contract or contracts so entered into, and in case of the failure of such contractor or contractors, the treasurer is hereby authorised and required to commence and prosecute an action or actions for all such damages as may be sustained by the non compliance of such contractor, in any court having competent jurisdiction; and when such contract shall have been faithfully complied with on the part of the contractor or contractors to the satisfaction of the secretary, treasurer and auditor, the auditor is hereby authorised to issue warrants in favor of such contractor or contractors, payable at the treasury of this state, out of any money not otherwise appropriated.

SEC. 6. The secretary, treasurer and auditor, when they give notice agreeable to the provisions of this act, that they will receive proposals for doing public printing, shall at the same time give notice that bonds with good and sufficient security, conditioned for the faithful performance of such contract, executed to the treasurer, must in all cases accompany their proposals, and without such bonds shall accompany the proposals, the sec-

retary, treasurer and auditor shall not be bound thereby.

CHAPTER XXXV.

A JOINT RESOLUTION respecting the Medical Societies of Indiana.

APPROVED—January 28, 1818.

Resolved by the General Assembly of the State of Indiana, That it be and is hereby recommended to the different medical societies in this state, that they severally elect from each district, three delegates, to meet in convention at the town of Salem in this state, on the second Tuesday of July next, and take into consideration the present medical law of this state, and recommend such alterations and amendments as a majority of them may think advisable, to the succeeding session of this legislature, for their approbation and adoption.

SEC. 2. All physicians and surgeons, who, previous to the passage of the act to regulate the practice of physic and surgery, were engaged in the practice of either of the professions aforesaid in this state, shall be entitled to all the benefits of the laws to collect their debts in the same manner they would have been, if said act had not passed.

CHAPTER XXXVI.

AN ACT legalizing the proceedings of boards of County Commissioners in certain cases.

APPROVED—January 21, 1818.

WHEREAS, it has been represented to this General Assembly, that from the circumstance

of the acts of the first session of the General Assembly, not having been published and promulgated, at as early a period, as was contemplated by that assembly, the boards of commissioners in several counties in this state, were unable to have the revenue law carried into full and complete effect, agreeably to the true spirit and meaning thereof: *For remedy whereof:*

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana, that all appointments of county and township officers, made by the several boards of county commissioners, in pursuance of and in conformity to any act or acts of the last session of the general assembly of this state, (except as to the time such appointments were made,) are hereby confirmed and declared to be legal, altho' not made at the precise time required by law; and all such county or township officers are hereby authorised and required to do and perform all the duties of said offices, as fully and completely as if they had been made at the precise time appointed by law.*

Sec. 2. It shall be the duty of each and every county treasurer, in this state, who has hitherto failed, neglected, or been legally prevented, from collecting any monies due their respective counties, from delinquent sheriffs or other officers in pursuance of an act of the last General Assembly, entitled, 'an act establishing a county treasurer,' approved January 1st, 1817, to proceed to collect the same, agreeably to the intent and true meaning of said act.

Sec. 3. In all cases where the county or state tax has not been levied and collected, in any county in this state, for the year 1817, it is hereby made the duty of the board of commissioners to cause the same to be levied and collected, at the same time, in the same manner and by the same officers that may be appointed to collect the state and county tax for 1818;

Preamble.

Appointment of county and township officers confirmed.

County treasurers authorised to prosecute for monies in arrear.

Taxes for 1817 to be levied and collected in the same manner as taxes for 1818.

and in all cases where any part of any county in which the taxes for 1817 have not been collected, has been detached from such county, the lister and collector of such county for 1818 are hereby authorized to list and collect in such detached part, in the same manner and for the same purposes that they would have been authorized to do had it not been detached.

Levy of taxes for 1817, made in pursuance of the laws of the territory, declared legal.

Sec. 4. That if any of the said boards of commissioners shall have, for the want of said law, proceeded in the assessment and collection of taxes, for the year one thousand eight hundred and seventeen, agreeably to the laws in force in this state, previous to the passage of the said act, by the first General Assembly aforesaid, the proceedings of the said boards of commissioners, and all persons acting under their directions are hereby made legal to all intents and purposes, as if the same had been done agreeably to the provisions of the before recited act.

This act to be in force from and after its passage.

CHAPTER XXXVII.

AN ACT for the relief of sundry inhabitants of Perry county.

APPROVED—January 26, 1818.

WHEREAS, several individuals of the county of Perry, have voluntarily subscribed several sums of money for the erection of a court-house in Troy, in said county; and whereas the seat of justice of said county is removed from the town of Troy; now, in order that the said several persons, subscribers as aforesaid, for the purpose aforesaid, be refunded the several sums by them respectively subscribed,

BE it enacted by the General Assembly of the State of Indiana, That the coun-

ty commissioners of the said county of Perry, are authorized and required to enquire into the amount subscribed by the said several persons as aforesaid, and they are hereby authorized to order the amount so paid by such persons to be refunded, out of any monies in the county treasury not otherwise appropriated.

This act to take effect and be in force from and after its publication.

CHAPTER XXXVIII.

AN ACT for the relief of sundry suitors in the late General Court for the county of Knox.

APPROVED—January 28, 1818.

WHEREAS, certain causes taken into the late General Court, held at Vincennes, by writ of error and appeal, were undetermined at the time of organizing the Supreme Court of this state, and no provision has been made for their transfer to and trial and determination in the Supreme Court: *For remedy whereof.*

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That all causes arising on writ of error and appeal, which were undetermined in the late general court held at Vincennes, at the time of organizing the supreme court of this state, be, and the same are hereby transferred to the said supreme court, there to be tried and determined in the same manner as in other cases of error and appeal.*

SEC. 2. That it shall be the duty of the clerk of the said general court, upon the application of either party in any cause aforesaid, to deliver over the papers on file in his office, in order that the same may be transmitted to

Causes *Q.*
C. to be transferred to s. c.

Clerk of G.
to deliver over papers.

Applicant to
give bond.

the clerk of the supreme court, to be by him kept, and the cause docketed in the same manner as other causes: *Provided*, The party so applying, give bond in such sum as the clerk of the circuit court of Knox county may deem sufficient, payable to the opposite party, for the safe transmission of the papers to the clerk of the supreme court, within twenty days after such application; which bond shall be kept by the said clerk of the general court.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT attaching the town of Liverpool to the town of Washington, the seat of justice of Daviess county.

APPROVED—January 29, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the town of Liverpool, adjoining the town of Washington, the seat of justice for Daviess county, be, and the same is hereby attached to the said town of Washington, and shall be incorporated with and recorded as a part of the same.

SEC. 2. This act to take effect from and after its passage.

CHAPTER XL.

AN ACT to vacate the town of Vienna.

APPROVED—January 26, 1818.

BE it enacted by the General Assembly of the State of Indiana That the town of Vienna, in Jefferson county, is hereby declared to be vacated to all intents and purposes: *Pro-*

vided however, That no legal or equitable claim or claims of any person or persons whomsoever, shall be in any wise affected by the passage of this act.

This act to be in force from and after its publication.

CHAPTER XLI.

AN ACT to authorise the agent of Warrick county to re-convey to Hugh M'Gary a certain tract or parcel of land at the town of Evansville.

APPROVED—January 28, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the present agent for the county of Warrick, or his successor in office, be, and he is hereby authorised and empowered as fully as the former agent of Warrick county could or might have been, to reconvey to Hugh M'Gary a certain tract or parcel of land at the town of Evansville, agreeably to the provisions of an act, entitled "An act for the removal of the seat of justice of Warrick county," approved September the first, one thousand eight hundred and fourteen.

Agent of W.
county au-
thorised to re-
convey to H.
M'Gary.

SEC. 2. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed. This act to be in force from and after its publication.

CHAPTER XLII.

AN ACT to vacate the town of Edinburgh.

APPROVED—January 7, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the pro-

prietors of the town of Edinborough in the county of Dearborn, and state of Indiana, be, and they are hereby authorised to vacate said town, and to add the lots, streets and alleys thereof, or so many of them as they may think proper, together with any other lot or lots they may think proper to lay off in addition thereto, to the town of Lawrenceburgh; and when such lots, streets and alleys as aforesaid, are recorded as a part of the town of Lawrenceburgh, the town of Edinborough as aforesaid, is hereby declared to be vacated: *Provided however*, That no legal or equitable claim or claims of any person or persons whatsoever, shall be in any wise affected by the passage of this act. This act to be in force from and after its publication.

CHAPTER XLIII.

AN ACT to authorize the proprietors of land in the lower and cathlenettes prairies in the county of Knox, to enclose the same, and for other purposes.

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That all the lands situate in the prairie below Vincennes, and the cathlenette prairie in the county of Knox, be enclosed with a good and sufficient fence, by such boundaries as a majority of the proprietors hereinafter mentioned in each prairie may lay off and designate, and they or a majority of them respectively are hereby authorized and empowered to lay off the same, and that the same be done in a lawful manner on or before the fifteenth day of March next, and on or before the fifteenth day of March an-

When lands shall be enclosed.

nually thereafter, under the penalties and forfeitures hereinafter mentioned.

SEC. 2. Each and every proprietor of land within the said boundaries of either prairie as laid off by the said supervisors, shall on or before the 15th day of March aforesaid, make, and ever after maintain, in good and sufficient repair a fence as herein prescribed, at both ends of his or her lands and also, his, her or their part of the whole extent of the fence aforesaid, at both sides of the said boundary; which part shall be laid off by the supervisor for the time being, of the prairies respectively, in proportion to the interest of the proprietors in said prairies respectively.

Proprietors to support their respective proportion of fences

SEC. 3. If any proprietor or proprietors shall refuse or neglect to make on or before the fifteenth day of March annually, his, her or their proportional part of said fence in either prairie as is herein provided, it shall be lawful for the supervisors in either prairie, to make or cause the same to be made at the proper expense and charge of the party or parties so found delinquent; which expense, with costs of suit may be recovered of such delinquent or delinquents, by and in the name of supervisors for the time being, in an action of debt, before any justice of the peace in the said county.

proceedings vs. for failure thereof.

SEC. 4. Any proprietor or proprietors who shall pull down or lay open any part of the said fence in either prairie herein mentioned, except in repairing the same, he, she or they so offending, shall be deemed trespassers, and shall pay to any proprietor or other person who will sue for the same, not less than one dollar for each pannel of said fence such trespasser shall lay open, and moreover, be liable to make good all injury or damages occasioned thereby to any proprietor or proprietors, or other person injured, with costs, to be recovered as aforesaid.

Proprietors for leaving fences down, to pay damages.

SEC. 5. Any proprietor or proprietors, or

Penalty for
firing prai-
ries.

other person or persons who shall wilfully or negligently set on fire, or cause to be set on fire any woods, wood land, prairie grass, leaves or herbage within or without the said boundary line, so as aforesaid laid off by the supervisors of the prairies respectively, and shall not extinguish the same before any part of the fence or fences aforesaid, shall thereby be burned or otherwise damaged or injured, or any corn, wheat or other grain, grass, hay, wood, copse or underwood growing or being within the said fence or fences shall thereby be destroyed or injured, he, she or they so offending shall be, and they are hereby declared liable to pay to the supervisors of the prairies where the mischief is done respectively, five dollars for every such offence, and moreover make good all damage, injury or loss as aforesaid, which any proprietor or proprietors, or other person or persons shall thereby suffer, recoverable with costs of suit in any court of record, or before any justice of the peace in the said county.

Sec. 6. If any proprietors, resident or non resident, shall not cultivate his, her or their lands within the said boundary lines, or any part thereof, and no representative for him, her or them shall appear, who will undertake to and with the supervisors for such non cultivating proprietor or proprietors, that he, she or they will conform to the provisions and requisitions of this law, it shall be lawful for the supervisors of either prairie respectively, to lease the land of every such non cultivating proprietor, or such part thereof, for the shortest time he can, to any person or persons who may apply to him therefor, and who will undertake to conform thereto.

Sec. 7 Such resident or non cultivating proprietor or proprietors, may enter upon his, her or their lands at any time during the said term or lease, after the crop then prepared is to be sown or planted or growing on such land

Lands not
cultivated
may be leased.

shall have been reaped or gathered by such lessee: *Provided*, That such non cultivating proprietor shall make compensation to such lessee for the time not expired of such lease, and that until such compensation shall be made, it shall be lawful for such lessee to occupy and cultivate the land for the term so leased, without the let, hindrance or molestation of such non cultivating proprietor or proprietors.

Sec. 8. It shall not be lawful for any proprietor or proprietors or other persons, within the boundary line so as aforesaid laid off by the supervisors herein to be appointed, to ride on horse back, or ride or drive any ox or oxen or other cattle, or to drive any carriage, cart, plough or harrow over the land of any other proprietor or proprietors without his, her or their consent first had and obtained. Any person or persons offending herein, shall be deemed trespassers, and liable to the persons injured separately; which injury may be recovered as aforesaid, with costs of suit.

Penalty for
driving wag-
gons, &c. o-
ver other's
land.

Sec. 9. Pierre Andre, Pierre Gamblin and Dominick Page are hereby appointed supervisors for the lower prairie; and Jean Be Barrow, Jean Be Delorier and Andre Racine be, and they are hereby appointed supervisors for the Cathlenette prairie, to continue in office for three years from the first day of January, 1818; and in case of the death or resignation of any one or more of said supervisors, his place shall be supplied by nomination of such as may be in office. And at the end of the three years, the said proprietors of land in the said prairies shall respectively meet at the court-house in Vincennes, on the first day of January, in the year one thousand eight hundred and twenty one, and then and there by ballot, elect three supervisors for each prairie respectively: who shall continue in office for three years, and so on triennially forever; and the persons then elected, shall be notifi-

Supervisors
appointed for
three years.

ed thereof by the supervisors in being at the time of such election; and for the purpose of effecting said election, the supervisors for the time being, are hereby empowered to hold the same or cause it to be holden under such rules and regulations as they may deem calculated to effect the object in view.

Sec. 10. The supervisors respectively, before they or either of them enter upon the duties herein assigned them, shall take an oath before any justice of the peace, faithfully and impartially to discharge the same; which oath shall be filed with the clerk of the county.

Sec. 11. The supervisors respectively, shall ascertain, as in this law is prescribed, the proportion of the said fence which each and every proprietor, resident or non resident shall make and maintain, designate the place where it shall be erected, the materials of which it is to be made and the height thereof, according to this law, and notify the same to each and every of the proprietors resident, and to the representatives, if any there be, of all the non resident proprietors, so soon after their appointment or election as conveniently may be.

Sec. 12. Each proprietor of land in the said prairie shall be, and he, she or they are hereby directed to erect a gate, or set up a pair of draw-bars at each end of his, her or their lands respectively, and keep the same in good repair, under the penalty of five dollars each for such failure, to be recovered in the name of the supervisors of the lower prairie, by action of debt: *Provided*, That under the direction of the supervisors, two or more may join the same gate or draw-bars.

Sec. 13. Any proprietor or proprietors who shall leave his gate open, or draw bars down, shall be deemed a trespasser, and shall pay one dollar with costs of suit, to any person who shall sue for the same, before any justice of the peace in the county, and is hereby de-

Supervisors
to determine
the propor-
tion of fence
each propri-
etor is to
make.

Proprietors
to erect gates.

clared to be liable to each and every proprietor or other person cultivating land within the said fence, for any damage or injury he, she or they may suffer thereby, to be recovered with costs of suit, in any court or before any justice of the peace, having cognizance thereof.

Sec. 14. It shall be lawful for the proprietors or a majority of them on or before the last day of October, in the year one thousand eight hundred and eighteen, under the direction of the supervisors of said prairies jointly to make and ever after maintain a dyke or embankment, fourteen feet wide at the base, four feet and a half high or as high as the supervisors may think proper on a level, and ten feet wide on the top, as near the bank of the Wabash as may in the opinion of the supervisors or a majority of them be more convenient from the boundary line of the town lots belonging to the heirs of Chappard, thence along the meanders of the said river Wabash to the boundary line of the land of Bray, so as to bank out the water of the said river, to the southerly bend of the great caulie, at which place, to wit: the grand caulie, the said supervisors jointly as aforesaid are hereby authorized to make an embankment so as effectually to keep the water of the said river Wabash out of the said prairie and to keep the same in constant repair.

To make a
dyke.

Sec. 15. The said embankment from the lot of Chappard, at the lower end of the village of Vincennes to the land of the said Bray, mentioned in the foregoing section, shall be deemed and taken to be a public highway, ever so to remain, and for keeping the same in repair and thereby effect the object herein mentioned, all the proprietors of land in the said prairie, who are liable to work on a public road, are hereby allotted to work on the same, and on the road leading from Vincennes to the cathlenette prairie for the time men-

tioned in the act to regulate public roads and highways, and the said hands are hereby exempt from the liability to work on any other road; all which shall be done under the joint directions and superintendence of the supervisors herein mentioned.

Supervisors
to apportion
labor in mak-
ing dyke.

SEC. 16. It shall be the duty of the supervisors respectively, on or before the last day of September next, to apportion the labor to be performed in making and maintaining the said dyke or embankment among the said proprietors in proportion to the number of acres of land or parts of acres of land in front which each may claim within the said fence and to notify the same the place where the carriages implements and tools, wherewith the said work is to be performed, and the dimensions of the said embankment or dyke, to each and every of the proprietors, and as often thereafter as in the opinion of the said supervisors the said embankments or either of them shall want repair, the said proprietors shall be subject to be called to work on the same.

SEC. 17. If any proprietor or proprietors shall refuse or neglect to perform his, her or their proportion of labor in making the said dyke or embankments, or in keeping the same in repair when made, for one day after being notified by the supervisors aforesaid, or any one of them, it shall be lawful for the said supervisors to perform or cause to be performed their part of labor in making and maintaining the said embankment which the said proprietor or proprietors ought to have performed, at the proper costs and charges of such delinquent or delinquents; which expences, with costs of suits, the said supervisors are hereby authorised and empowered in their own name to recover of every such delinquent, by action of debt, before a justice of the peace or any court having cognizance thereof.

SEC. 18. The said supervisors shall have full power and authority to enter on any un-

improved ground adjacent to the said embankment, to dig any earth, gravel, clay or stones, to cut down any trees, woods or copses or brush, which may be found growing in the direction of or near the dyke or embankment as they may find necessary for the purpose aforesaid.

SEC. 19. The lands within the said boundary line of absent or resident non cultivating proprietor or proprietors, who shall not by him, her or themselves, or some person or persons for him, her or them, perform his, her or their part of the labor, in making and maintaining the said dyke or embankment as herein directed, may be leased by the supervisors, upon the same terms, manner and conditions as are herein before directed and prescribed in the case of the fence.

SEC. 20. Each proprietor of land in the said prairies shall, on the last day of October in every year if fair, if not then on the next fair day, move and burn or cause to be moved and burnt all the grass and weeds growing or adjoining his, her or their fence not exceeding fifteen feet from each side thereof, under the direction of the supervisors aforesaid, whose duty it shall be to attend and give notice thereof to every proprietor or cultivator one day at least before the said last day of October yearly and every year; and on neglect or refusal of either of the said proprietors to perform the duty herein required, the said supervisors shall cause the same to be done at the cost and charges of the delinquent, to be recovered as is herein directed in other cases.

Proprietors
to remove &
burn stubble,
&c,

SEC. 21. Whenever the said embankment or any part thereof shall, by high water or any other cause, be broken, or give way so as to endanger the said prairies or either of them, to be judged of by the supervisors, it shall be the duty of the said supervisors of the said prairies, and they are hereby authorised and empowered to call out all the persons subject

Supervisors
to cause re-
pairs of dyke.

to work on said embankment, to repair the same or stop any breach that may be made therein, and any person or persons so subject to work on said embankment, who shall refuse or neglect, on notice being given by either of the said supervisors, immediately to obey such summons and perform his duty as by this law is required, shall be subject to pay a fine of five dollars, to be recovered in the name of the supervisors of the lower prairie, by action of debt before any justice of the peace in said county.

To account
for fines.

Sec. 22. All and every fine or sum of money, which shall be levied and paid to the supervisors herein mentioned by virtue of this law not otherwise appropriated, shall be accounted for annually on the first day of January, by them respectively, to the proprietors, who are hereby directed to hold a meeting for that purpose, and disposed of as they or a majority of them may direct.

Sec. 23. It shall be the duty of each supervisor to keep a book in which he shall enter all and every fine or fines he or they may have recovered for any breach of this law; which book they shall respectively produce at the annual meeting, directed in the foregoing section, to be holden by the proprietors; which book or books shall be subject to the inspection of the said proprietors.

Sec. 24. All lands, tenements and hereditaments, in either of the said prairies, shall be subject to be sold upon judgment and execution obtained against any proprietor or proprietors, for any violation of this law, when no sufficient personal estate can be found.

Lands maybe
taken on ex-
ecution for
non-payment
of fines.

Sec. 25. If any action or suit shall be instituted against any proprietor or other person, for any act or thing done or committed by him, her or them, in pursuance of this law such proprietor or other person may plead the general issue and give the special matter in evidence.

Sec. 26. It shall and may be lawful for any proprietor or lessee in either of the said fields to take up and secure any trespassing animals if to be caught by him, but if not taken he may have and sustain his action before any magistrate for damages against the owner or owners of such animal or animals, and when the same are so caught, it shall be the duty of the taker up, in case the owner thereof can be found, to give him notice either verbal or written, but if such owner should not be within the neighborhood, then the taker up shall advertise at the court house door of the county, describing the color, age, marks or brands, as near as he can ascertain, of the animal or animals so taken up, ten days after which notice, either verbal or by advertisement as aforesaid, should the said animal or animals not be redeemed by the payment of one dollar, the established damage per head, and at the rate of twenty-five cents for every twenty-four hours keeping, and twenty-five cents for notifying, the said taker up shall and may by himself or any special constable he may choose to appoint, to sell the said animal or animals publicly, for the best price it or they will bring, for the payment of the damage, keeping and notice, together with fifty cents for selling, returning the overplus if any to the owner.

Proprietors
may take up
trespassing
animals.

This act to take effect from and after its publication,

CHAPTER XLIV.

AN ACT incorporating a county library in the county of Dubois and other counties therein named.

APPROVED—January 28, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the qual-*

Voters to meet on the 1st Monday in September triennially to elect trustees

fied voters of the county of Dubois, are hereby authorised to assemble themselves at the place of holding courts in said county, on the first Monday in September next, and on the first Monday of September triennially thereafter, and when so assembled may and they are hereby required, after having chosen a chairman and secretary, to elect a president and seven trustees for the county library of said county, to serve for the term of three years and until their successors are duly elected and qualified; the president and trustees, chosen in manner aforesaid, together with the qualified voters of said county of Dubois, are hereby created and declared a corporation and body politic, with perpetual succession, by the name and style of the president and trustees of the county library of the county of Dubois, and shall in their corporate capacity be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of justice, and to make and use a common seal, and the same to change and alter at pleasure: *Provided*, that when a vacancy shall happen by the death of the president or any one or more of the trustees of the county library of said county, by death, resignation or removal, the remaining trustees may appoint another person or persons to fill such vacancy or vacancies.

SEC. 2. The president and trustees, elected in manner aforesaid, and their successors in office, shall severally take an oath or affirmation, before some person authorized to administer the same for the faithful performance of the duties of their office, before he or they shall be authorised to enter upon the duties thereof.

SEC. 3. The president and trustees, qualified in manner aforesaid, shall elect by ballot a librarian and treasurer, and such other subordinate officers as they may think necessary,

and shall have power from time to time and at all times thereafter to make such bye-laws, ordinances and regulations in writing, not inconsistent with the laws of this state, or of the constitution and laws of the United States, as may be necessary for the government of the institution; the treasurer shall give bond with such security as the president and trustees may direct.

SEC. 4. The agent of the county of Dubois is hereby required to pay to the treasurer appointed as aforesaid, the ten per centum by him reserved out of the proceeds of the sales of lots at the county seat of said county, which by the constitution and laws of this state is required to be reserved for the use of a county library in said county, whenever required so to do by the president and trustees of the corporation aforesaid.

SEC. 5. In case of the absence of the president at any meeting of the trustees aforesaid, the said trustees shall have power to elect one of their own body to serve as president pro-tempore until the president shall attend. *Provided always*, That not less than a majority of all the trustees elected or appointed as aforesaid, shall form a quorum to transact the business of said corporation.

SEC. 6. The president and trustees of the county library aforesaid are hereby authorized to demand and receive upon their order all monies that may be paid into the treasury of their corporation, for the benefit of a county library for said county, and lay out the same in the purchase of books, maps, &c. and such other property, real or personal, as they may think the most conducive to the advancement and benefit of said corporation, subject to such rules and laws as the general assembly may at any time establish: *provided however*, that the said corporation shall not in their corporate capacity at any time hold more than the amount of one thousand dollars worth

Trustees to elect librarian, &c. & to make bye-laws.

Agent to pay to treasurer ten per cent. on sale of lots.

A majority of trustees to compose a quorum.

Trustees to receive and pay out money.

of real or personal property, books excepted.

Sec. 7. The general assembly of this state shall reserve the power of altering or amending this act, and to alter or amend any of the bye-laws of said corporation when to them it may appear necessary or advisable so to do.

Sec. 8. The same powers, privileges and authorittes that are by this act granted to the qualified voters of the county of Dubois to organise, conduct and support a county library therein, are hereby granted to the qualified voters of each of the counties of Ripley, Randolph, Lawrence, Monroe, Vigo, Vanderburgh, Spencer, Perry and Crawford respectively, and the same power and authority hereby granted to, and the same duties hereby required of the several officers, and the person or persons elected by the qualified voters of Dubois county, or herein mentioned or designated for carrying the provision of this act into effect, according to the true intent and meaning hereof, are hereby extended to and required of the officers and other persons, elected by the qualified voters of the several counties herein named, and of all other persons necessary to carry this act into full effect.

This act to take effect from and after the first day of July next.

CHAPTER XLV.

AN ACT authorising the executrix and executors of John Johnson deceased, to sell a certain portion of the estate of the said deceased.

APPROVED—January 2, 1818.

WHEREAS, it has been represented to the General Assembly of this state, that several

persons contemplating the formation of a company for erecting and carrying on a steam saw and merchant grist mill, at or near Vincennes, and to procure a convenient site for the necessary buildings of the same, a tract of land was purchased in the name of Nathaniel Ewing, Benjamin Parke, John D. Hay, James B. M'Call, John Johnson and Willson Lagow; but under a clear and distinct understanding of the Feoffees, that upon the organization of the company, the land thus acquired, together with all other right, interest, property or estate of and belonging to the company shall be holden in common and in equal shares by the members thereof, and subject to such disposition as the company might consider it necessary to make of it.

AND WHEREAS, it hath also been represented, that before the organization of the company or the arrangement aforesaid could be made, John Johnson, one of the Feoffees, died, whereby the heirs of the said deceased have become seized of and in one sixth part or share of the said land.

AND WHEREAS, it hath been further represented, that the company hath since been regularly constituted, under the name and style of "Charles Smith's Vincennes Steam Mill Company," and the respective interests and shares apportioned, viz: to and in the name of Peggy Johnson, executrix, and Isaac Blackford and Daniel Smith, executors of the last will and testament of the said John Johnson deceased, for and on behalf of the heirs of the said deceased, one sixth part or share; and to and in the name of Nathaniel Ewing, John D. Hay, Willson Lagow, Charles Smith, George Ewing, Willis Fellows, William Harlow and Benjamin Parke, each one eighth part or share of the remaining five parts or shares.

The same powers granted to the county of Dubois, granted to other counties.

AND WHEREAS, it appears from the representation of the said executrix and executors and the other partners of the company, that it is desirable to them that the interests and shares in the same should be equalized, and that the executrix and executors should be authorized and empowered, in case they should consider it necessary or proper for the benefit of the heirs, to sell and convey unto the company or other person or persons, the entire interest and right of the heirs of and in the said land; as also, all their right and interest of and in the company. But in as much as the said executrix and executors have no authority under the last will and testament of the deceased, or the existing laws of the land, to enter into such an arrangement: *For remedy Whereof,*

BE it enacted by the General Assembly of the State of Indiana. That Peggy Johnson, executrix, and Isaac Blackford and Daniel Smith, executors of the last will and testament of John Johnson deceased, or the survivor or survivors of them, be, and they are hereby authorised and empowered to sell and convey unto Nathaniel Ewing, John D. Hay, Wilson Lagow, Charles Smith, George Ewing, Willis Fellows, William Harlow and Benjamin Parke, partners in "Charles Smith's Vincennes Steam Mill Company," or to any or either of them, or any other person or persons, after ninety days notice has been given in one or more public newspapers in this state, for the highest and best price, all or any portion, part or share of the one full, undivided sixth part or share belonging or appertaining to the estate of the said John Johnson deceased, of and in a certain tract and parcel of land, situated, lying and being in the upper prairie, adjoining the borough of Vincennes, in the county of Knox and state of Indiana; and which, on the eleventh day of June, eighteen

hundred and seventeen, was purchased of Francis Loignon and Marie his wife, by Nathaniel Ewing, Benjamin Parke, John D. Hay, James B. McCall, John Johnson and Wilson Lagow, as tenants in common, and not as joint tenants; as also, all or any share, part or portion of right, interest, property or estate whatsoever, which were of the said John Johnson deceased, or are of right now belonging and appertaining to the estate of the said John Johnson deceased, of and in the said company, in such manner and upon such terms and conditions, and to such person or persons as may be agreed and determined upon by and between the said executrix and executors, or the survivor or survivors of them, and that the said executrix and executors, or the survivor or survivors of them, be, and they are hereby authorised and empowered to make and execute all necessary deeds of conveyance for securing unto the purchasers, the absolute fee simple of and in all and singular the lands, tenements and hereditaments that may or shall be sold and purchased in manner as aforesaid.

CHAPTER XLVI.

AN ACT authorising a loan for the benefit of the state.

APPROVED—January 2, 1818.

WHEREAS, from the imperfect assessment and collection of the revenue of the last year, and some counties having entirely failed to assess or collect, owing to the late period at which the acts of the last session were distributed in the several counties, a sufficient revenue has not been raised to defray the expense of the ensuing year: *And for remedy whereof,*

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, that his excellency the Governor of the state of Indiana, be, and he is hereby authorised, empowered and required to obtain from the state bank of said state, by loan, the sum of five thousand dollars for the use of the said state, payable in five years from and after the passage of this act, agreeably to the eleventh section of an act, entitled "An act adopting the bank of Vincennes as the state bank of Indiana, and for other purposes," approved the 1st of January, 1817. And his excellency the Governor is hereby empowered to give the necessary bond in the name of and on behalf of the said state, to the said bank for the loan aforesaid; and after the said loan is thus obtained, the treasurer of the state is hereby empowered to receive the same, and place it in the treasury as other public monies.

Sec. 2. *Be it further enacted*, That the sum of twelve hundred dollars be, and the same is hereby appropriated for the payment of the interest due the bank of Vincennes, the state bank of Indiana, on account of a loan for the benefit of the state, authorised at the last session of the general assembly of this state, to be paid out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

AN ACT to authorise the sale of a certain tract of land belonging to the heirs of Elijah Sparks deceased.

APPROVED—January 10, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That Eliza

Sparks, administratrix and John Weaver, administrator of the estate of Elijah Sparks deceased, or the survivor of them and their successors, be and they are hereby authorised to sell all the right, title and claim of the heirs and legal representatives of Elijah Sparks deceased, to a moiety of a certain tract of land, being a part of section three, town five, range one west, containing one hundred acres; which land was purchased in the life time of the aforesaid Elijah Sparks deceased, by him and one William Lambdon, of John James and Martha James, and they and their successors are as fully authorised to sell and convey the same and make a title therefor, as the aforesaid Elijah Sparks could have done in his life time.

Sec. 2. The proceeds of the sale of the land aforesaid, shall be laid out under the direction of the guardians of the heirs aforesaid, for the purchase of other lands for the benefit of such heirs: *Provided however*, Nothing herein contained, shall be so construed as to prevent such of the heirs as are of lawful age from receiving and using his, her or their part or parts as he she or they may think proper.

CHAPTER XLVIII.

AN ACT for the relief of Abigail Dickinson, administratrix of Ebenezer Dickinson, deceased.

APPROVED—January 28, 1818.

WHEREAS, it is represented to this General assembly, that Ebenezer Dickinson, now deceased, died possessed of one house and lot, number eight, one half lot, number fifty three, and one whole lot, number forty two, situated in the town of Jeffersville, and county of Clark, and fifty acres of land, part

of number ninety-four, in the Illinois grant, county aforesaid, and state of Indiana; and whereas it is also represented that the said Ebenezer Dickinson deceased, left considerable demands against his said estate, without having sufficient personal property in this county to satisfy the same: For satisfying the said claims, and to benefit the heirs of the said decedent as far as possible,

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the said Abigail Dickinson, administratrix of the said Ebenezer Dickinson, be, and she is, either by herself or attorney or attorneys in fact, hereby authorised and empowered to sell and dispose of the before mentioned real estate, of which the said Ebenezer Dickinson died seized, in such manner and on such credit as she the said Abigail Dickinson may consider best calculated to benefit the said estate, taking such security for the purchase money as will secure the payment thereof.

Sec. 2. That upon sale made of any or all the property herein mentioned, the said Abigail Dickinson, administratrix as aforesaid, or her attorney or attorneys in fact, shall be and they or either of them are hereby authorised and required to make, execute and deliver to the purchaser or purchasers thereof, such deed or deeds in fee simple, as may be necessary for the insuring and securing to the purchaser or purchasers thereof, as full and clear a title to the said estate and every part thereof, as he, the said Ebenezer Dickinson, died seized and possessed of.

Sec. 3. That no sale of the property aforesaid, or any part thereof shall be made before public notice shall be given for at least two weeks, to be published in the Indiana Gazette, printed at Corydon: *Provided however*, It shall be the duty of the said administratrix, or some person in her behalf, previous to any such sale, to enter into bond with sufficient se-

curity, to the associate judges of the circuit for the county of Clark, conditioned for the payment of all just debts against the decedent, to the amount of the money raised by such sale, after deducting all necessary expenses; which bond shall be filed in the clerk's office of said county of Clark, subject to be sued on by any creditor for the breach of the condition thereof.

This act to take effect and be in force from and after the passage thereof.

CHAPTER XLIX.

AN ACT making appropriations for the year one thousand eight hundred and eighteen.

APPROVED—January 29, 1818.

Sec. 1. *BE it enacted by the General Assembly of the State of Indiana* That the following sums be, and the same are hereby appropriated, for the following purposes, viz: For defraying the expenses of the present general assembly, including pay to the members thereof, secretaries, clerks, their assistants, door keepers, stationary, ink, ink-stands, fuel and printing, binding, distributing, making marginal notes and index of and to the laws of the same, together with furniture and all other just and necessary expenses which are or may be incurred, the sum of nine thousand five hundred dollars:—To R. A. New for superintending the printing, making the marginal notes and index to the laws of 1817, the sum of sixty dollars:—To Henry Hurst for bringing suit for the state against sundry of the citizens of the county of Harrison, for one thousand dollars, and prosecuting the same to final judgment and execution, the sum of twenty-five dollars:—To William P. Thomasson and Henry P. Co-

burn for copying the journals of both houses of the last general assembly, the sum of thirty-six dollars each:—For the payment of the warrants of the late territorial government, which are supposed to be in circulation, the sum of two hundred dollars:—For the executive department, the sum of two thousand two hundred dollars:—For the Judiciary department, the sum of four thousand nine hundred dollars:—For the interest on the public debt, the sum of one thousand five hundred dollars: For wolf scalps, the sum of five hundred dollars:—For the purchasing books and a seal for the supreme court, the sum of ninety eight dollars seventy five cents:—For the defraying of contingent expenses, the sum of three hundred dollars:—For the military department, the sum of one hundred dollars:—For the adjutant general for the year 1817, the sum of fifty dollars:—To Joshua Wilson for stationary furnished to William Thomasson and Henry P. Coburn, for copying the journals of the last session, the sum of four dollars and fifty cents:—To Joseph Kinkaid for a chest for the use of the senate, five dollars and fifty cents:—To Isaac Free for finding irons and setting up stove, two dollars:—To Robert Biggs for candles and mason work, six dollars and twenty-five cents:—To Seth M. Levensworth for candles, ink stands and candlesticks, ten dollars and thirteen cents:—To Henry Batman for furnishing candles, fifty cents:—To William H. Lilly for office rent, twenty dollars:—To John Tipton, sheriff of Harrison county, for attending on the supreme court two days at the May term and five days at the December term, in the year 1817, the sum of two dollars per day, making in the whole fourteen dollars.

Sec. 2. Nothing in this act shall be construed so as to authorise the auditor of state to audit or the treasurer to pay any territorial

warrants, unless they are presented on or before the first day of May 1818.

This act to take effect and be in force from and after its passage.

CHAPTER L.

AN ACT authorising the printing and distributing the laws of the state.

APPROVED—January 29, 1818.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana.* That the printers of the state be and they are hereby authorised and required to print two thousand copies of the acts of the present session of the General Assembly, and four hundred and twenty copies of the journals of each house: *Provided*, that nothing herein contained shall be so construed as to authorize the public printers to print an act passed at the present session, entitled, “an act to regulate the militia,” nor shall the local acts, or acts passed for the benefit of individuals or corporations passed at the present session or ordered to be reprinted by any act of the present session be printed with the laws of a general nature, but five hundred copies of the local and special acts aforesaid shall be printed and stitched by themselves and distributed among the several counties in a proper proportion, as the acts of a general nature are directed to be printed, stitched and distributed: *provided also*, that it shall not be necessary in printing the laws aforesaid, to print the names of the Speaker of the House of Representatives, the President of the Senate, nor of the Governor, but immediately after the title of each act and resolution, the time when it was approved shall be inserted.

Sec. 2. So soon as the said printing shall be completed, and the copies delivered to the Secretary of State, agreeably to contract, the state treasurer shall pay the price contracted for upon the order of the auditor of public accounts, out of any money in the treasury not otherwise appropriated; the certificate of the secretary of state, for the receipt of the same, shall be sufficient authority for the auditor to audit and allow said printers the amount contracted for. And the secretary of state, auditor of public accounts and state treasurer, are hereby authorised and directed to contract with some person for the stitching the laws and journals of the present session of the general assembly, in the manner directed by law; and the expenses necessarily incurred by such contract shall be paid out of the state treasury, in the same manner prescribed for payment of public printing.

Sec. 3. The secretary of state, auditor and state treasurer, are hereby authorised and required to contract with some person or persons to distribute and deliver the copies of the acts and journals when printed and stitched, to the clerks of the different counties, in proportion hereinafter mentioned, taking bond and sufficient security for the faithful performance of the contract, and the expense of such distribution shall be paid by the state treasurer, upon the order of the auditor of public accounts, out of any money in the treasury not otherwise appropriated. The counties of Wayne, Franklin, Clark, Harrison, Dearborn, Jefferson, Washington, Knox, Orange and Gibson, each sixty copies of the General Acts, and twenty-five copies of the Local Acts and Journals of each House:—The counties of Switzerland, Jackson, Warrick, Posey, Perry, Pike, Daviess, Jennings and Sullivan, each forty copies of the General Acts, and ten copies of the Local Acts and Journals of each House:—The counties of Randolph, Ripley, Dubois,

Spencer, Vanderburgh, Monroe, Lawrence, Vigo and Crawford, each thirty three copies of the General Acts, and five copies of the Local Acts and Journals of each House.

Sec. 4. The Governor, Lieutenant Governor, Secretary of State, Auditor, State Treasurer, each member of the present General Assembly, each and every Judge, Justice of the Peace, Clerk of the several Courts, Recorder, County Commissioner, Sheriff, Coroner and County Treasurer, elected, or hereafter to be elected, in this state, shall be entitled to receive one copy of the acts of the present session of the General Assembly of a general nature, upon application to the clerk of their respective counties; and to Moses Wiley, Esq. member of the house of representatives from Dearborn county, who by reason of sickness was unable to attend, one copy of the laws and one copy of the journals of each house.

Sec. 5. Every township and county officer who is hereby entitled to copies of the acts of the General Assembly shall, at the expiration of his office or on resignation or removal therefrom, deliver all copies that he shall have so received to the clerk of the court or to his successor in office; and every person failing so to do, shall forfeit and pay for every such offence the sum of five dollars, to be recovered by action of debt, as in other cases, one half to the benefit of the state, and the other half for the use of such successor, whose duty it shall be to sue for the same.

Sec. 6. The journals and local acts of the present General Assembly, when deposited in the clerks offices of the several counties in this state, shall be distributed by the clerks, (after reserving three copies of each in each county, for the use of the public, to be kept by the clerks respectively for the benefit of any person who may wish to examine the same) in equal proportion to each of the members of the

General Assembly of said districts, to be distributed by them to their constituents.

This act to take effect from and after its passage.

CHAPTER LI.

A JOINT RESOLUTION for the immediate publication of the local acts in the *Indiana Gazette*.

APPROVED—January 7, 1818.

Resolved by the General Assembly of the State of Indiana, That the printers of the laws of this state be and they are hereby authorised, on the application of any person concerned, to publish in the *Indiana Gazette*, all or any of the local acts passed at the present session, *provided*, the person so applying shall pay the expense of such publication.

Resolved further, That the Secretary of State shall, immediately after the passage of this resolution, furnish to the printers of the state, a copy of the same, which shall also be immediately published in the *Indiana Gazette*.

This resolution to be in force from and after its publication.

CHAPTER LII.

A JOINT RESOLUTION to cause the acts passed at the present session to be printed in the most speedy manner.

APPROVED—January 14, 1818.

Resolved by the General Assembly of the State of Indiana, That the secretary of state be and he is hereby required, as soon as the acts and joint resolutions of the present General Assembly, shall be approved and signed by the Governor, to deliver them to the public printers, taking their receipts for the same.

Resolved further, That Robert A. New and Henry P.

Coburn be, and they are hereby appointed to make out marginal notes and an index to the acts and joint resolutions passed at the present General Assembly, for which they shall be allowed a reasonable compensation.

CHAPTER LIII.

A JOINT RESOLUTION relative to Posey county.

APPROVED—January 28, 1818.

WHEREAS, it appears by substantial evidence, that in the election held for county officers in the county of Posey, on the third day of February last, gross corruption was practiced, and manifest injustice done; by which means the persons duly elected by a majority of the electors of said county, did not receive the appointments to which they were legally elected: **FOR REMEDY**

WHEREOF,

RESOLVED by the General Assembly of the State of Indiana, That the election held for county officers in the said county of Posey, on the third day of February last, be, and the same is hereby declared to be null and void to all intents and purposes; and that the Governor be, and he is hereby empowered to proclaim and cause an election to be held in the said county of Posey on the first Monday of March next, to elect one clerk for the circuit court, one recorder for the said county, and two associate judges of the said circuit court, three county commissioners; who, when elected and commissioned, shall hold their said several offices until the first Monday of March, eighteen hundred and twenty-five, except the commissioners, who shall hold their commissions in all respects agreeably to the provisions of an act, entitled "An act to establish a board of county commissioners," approved, December the seventeenth, eighteen hundred and sixteen, and until their successors in office shall be legally elected and commissioned: *Provided however,* That nothing herein contained, shall be so construed as in any manner to render null and void, or in any other way to affect any act or acts heretofore legally done or performed by any of the officers here-

tofore commissioned by virtue of the aforesaid election, held on the third day of February, eighteen hundred and seventeen; also, that the clerk, recorder, associate judges and county commissioners shall continue in the said county of Posey to exercise the functions of their said several offices, until others are legally elected by virtue of this resolution, to fill their places.

CHAPTER LIV.

A JOINT RESOLUTION for publishing the Receipts and Expenditures for the year 1817.

APPROVED—January 29, 1818.

RESOLVED by the General Assembly of the State of Indiana. That the treasurer of state be directed to furnish the public printer with an accurate statement of the receipts and expenditures of the public money for the year eighteen hundred and seventeen, to be printed and published with the laws of the present session of the General Assembly.

TREASURER'S REPORT.

THE Treasurer, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public accounts and the Treasurer of State," approved the 11th of December, 1816, submits the following

REPORT.

That from the 16th of November, 1816, to the 29th of November, 1817, inclusive, there has been received on loan	\$ 20,000 00
From sundry sheriffs within the date aforesaid,	4,251 09 1-4
Making a sum total of	24,251 09 1-4

Within the period above mentioned, there has been paid at the treasury in discharge of the late territorial debt	5,331 63 1-4
In payment of the officers of the executive department,	2,000 00
In defraying the contingent expenses of the government,	222 37
In defraying the expenses of the late convention of the Indiana territory,	3,076 21
In payment of the officers of the judiciary department,	2,100 00
In payment of the members of the general assembly for their services during their late session, and defraying incidental expenses attendant thereon	7,325 12

Leaving in the treasury on the 29th of November 1817, a balance of	20,055 33 1-4
Respectfully submitted,	4,195 76
DANIEL C. LANE, Treasurer of State.	

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